careful consideration in relation to studies of the Social Security Act.

The distinguished chairman informed me that over a period of time now his committee had been reviewing the operation of the disability insurance program and a subcommittee had made a report recommending a number of changes.

He stated that while a number of improvements were made as a result of the subcommittee's report, no changes were made in the provision of law relating to the definition of disability.

As it now stands, the law requires as a prerequisite to disability insurance benefits that the individual must meet the following requirement:

> The term "disability" means inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long continued and indefinite duration.

That is in exact terms the wording of the definition which I think is working very harsh results in a large number of cases where marked, irremediable disability exists and the persons concerned are unable to work and will be unable to work for the foreseeable future, or indeed for the duration of their natural lives.

Chairman MILLS stated that on several occasions since the enactment of this original measure in 1956, the Committee on Ways and Means had reviewed the feasibility of either liberalizing the definition or of making certain other changes in it, and in each instance the committee had concluded it inadvisable to make such changes.

It would seem to be fair and proper for the committee to give further consideration to some appropriate restatement of the disability definition which I think is working hardship, and unfortunately, undesirable effects upon many applicants.

This question is a legal one of some complexity and I think that before a change is made that the language should be very carefully considered and tested, not only by expert counsel, but also by other experts in the field.

It is my hope in the light of some hardship cases I know about which I believe may well be typically widespread throughout the Nation, that the committee and the Congress will give further attention to this matter, because it seems to me that the applicants, who can demonstrate current disability barring gainful work and who can make evident the likely projection of that disability into the foreseeable future, should definitely be in a position to be accorded benefits.

I think that it is the intent of Congress that this should be so, and I hope that some way will be found at an early date to remove any doubt concerning the entitlements of applicants in such cases.

It is my opinion and strong feeling that a different administrative approach by the social security agency that would as a legal matter provide a liberalized construction of the definition formula would produce remedial results in this matter. Barring that, the law should be changed.

Harvey R. Adams

EXTENSION OF REMARKS
OF

HON. E. C. GATHINGS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 23, 1964

Mr. GATHINGS. Mr. Speaker, a great agricultural leader, Mr. Harvey R. Adams, of West Memphis, Ark., and Memphis, Tenn., passed away on Friday, July 17, 1964. It is a distinct loss to the farmers of the Nation and more particularly, the producers of cotton and the industry itself. Mr. Adams was executive vice president of the Agricultural Council of Arkansas, having been associated with that statewide group for the past 24 years. He was one of the cotton leaders who spearheaded the movement to establish the American Cotton Producer Associates. This organization was composed of members and associations from throughout the Cotton Belt. Due to Harvey Adams' leadership qualities and knowledge of the cotton industry in all of its phases, he was chosen by the American Cotton Producer Associates as its secretary-treasurer. He held that position for quite a number of years, contributing of his time and talents to the work of this great growers' organization.

H. R. Adams was a frequent visitor to my office throughout the many years that he served the people of Arkansas in the capacity of leading the agricultural council in its activities and work. It was a distinct pleasure to know him and work with him. One of the first major pieces of legislation that he gave his attention, counsel, and efforts was the Agricultural Act of 1949 in which the cotton laws were rewritten. Subsequently he and his organization, as well as other groups who were interested in the cotton producer, have played important roles in the amendments that have subsequently been passed by the Congress with respect to cotton. The last agricultural act in which cotton was a part was the Agriculture Act of 1962.

He worked tirelessly in the drafting of the producer cotton version of the legislation which was adopted by both Houses of the Congress and written into that act. He was named by the Secretary of Agriculture in 1962 as a member of the National Cotton Advisory Committee. He had served on cotton advisory committees prior to the 1962 assignment.

He played a principal part in the organization of witnesses and the presentation of testimony before the House Committee on Agriculture when the first bracero law was enacted in 1951. Since that time he interested himself in the various extensions of this bracero law consistently. Under appointment by the Secretary of Labor he served as a member of the Labor Users Committee in connection with the various administrative phases of the bracero law.

I will miss H. R. Adams greatly, as I came to appreciate his work on behalf of the cotton farmer as well as for agriculture in general. He was a good man and one that is deserving of the plaudits of an appreciative people for outstanding services he has rendered. In addition to his many activities in connection with the passage of legislation, he was a writer of note. His many articles with regard to cotton have appeared in various cotton publications.

Harvey Adams was born in Hannibal, Mo. He served as an officer in the U.S. Navy during World War I. He was an active member of the American Legion for quite a long time. Prior to his acceptance of the post with the Agricultural Council of Arkansas, Mr. Adams was manager of the truck and commercial division of the Ford Motor Co., in the city of Memphis. He at one time served as manager for the John C. Dix Corp. He was a member of the Decatur Street Christian Church in Memphis, Tenn. He is survived by his wife, Mrs. Elizabeth Adams, of Memphis, one daughter, Mrs. Dan Donahue, and three grandchildren, all residing in New Orleans.

Mrs. Gathings' and my deepest sympathy goes to his beloved companion, Elizabeth, as well as to his daughter and grandchildren in their great loss.

SENATE

FRIDAY, JULY 24, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, who hast been the hope and strength of the passing generations, and who in all ages hast given men the power to seek Thee, and seeking Thee to find Thee: To these servants dedicated to the public welfare, grant, we beseech Thee, a clearer vision of Thy might, a greater reliance on Thy unlimited resources, and such a confident assurance of the final victory of Thy kingdom of love, as to dispel all gloom. Forbid that any of us should be so blinded by self-deceit as to assume that that kingdom can come only along the path of our opinions.

We humbly pray Thy kingdom come, even though the way of its coming may veto our timetables and our personal prescriptions for the cure of evils that blight the life of today.

We pray in the Redeemer's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, July 23, 1964, was dispensed with.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the amendments of the Senate to the bill (H.R. 9021) to authorize the conveyance of two tracts of land situated in Salt Lake City, Utah, to the Board of Education of Salt Lake City.

The message also announced that the House had passed a bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the amendments of the Senate numbered 1, 2, 4, 5, 6, 7, 8, and 9 to the bill (H.R. 7381) to simplify, modernize, and consolidate the laws relating to the employment of civilians in more than one position and the laws concerning the civilian employment of retired members of the uniformed services, and for other purposes, and that the House had disagreed to the amendment of the Senate numbered 3 to the bill.

HOUSE BILL REFERRED

The bill (H.R. 3846) to establish a land and water conservation fund to assist the States and Federal agencies in meeting present and future outdoor recreation demands and needs of the American people, and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

LIMITATION OF DEBATE DURING MORNING HOUR

On request of Mr. MANSFIELD, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON CONTINUING INADEQUATE CONTROL OVER PROGRAMING AND FINANCING OF CONSTRUCTION, DEPARTMENT OF THE AIR FORCE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on continuing inadequate control over programing and financing of construction, Department of the Air Force, dated July 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INADEQUATE CRITERIA FOR IDENTIFYING AND ELIMINATING ELABORATE OR EXTRAVAGANT DESIGNS OR MATERIALS IN CONSTRUCTING AND EQUIPPING LOW-RENT HOUSING PROJECTS

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inadequate criteria for identifying and eliminating elaborate or extravagant designs or materials in constructing and equipping low-rent housing projects, Public Housing Administration, Housing and Home Finance Agency, dated July 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON INEFFECTIVE ADMINISTRATION OF ALLOTMENTS OF PAY BY MILITARY PERSONNEL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on ineffective administration of allotments of pay by military personnel, Department of the Army, dated July 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF CERTAIN PROBLEMS RELATING TO ADMINISTRATION OF THE ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR VIETNAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a review of certain problems relating to administration of the economic and technical assistance program for Vietnam, 1958–62, Agency for International Development, Department of State, dated July 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON REVIEW OF ADMINISTRATION OF ASSISTANCE FOR FINANCING COMMERCIAL IMPORTS AND OTHER FINANCIAL ELEMENTS UNDER ECONOMIC AND TECHNICAL ASSISTANCE PROGRAM FOR VIETNAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on review of the administration of assistance for financing commercial imports and other financial elements under the economic and technical assistance program for Vietnam, 1958–62, Agency for International Development, Department of State, dated July 1964 (with an accompanying report); to the Committee on Goverment Operations.

REPORT ON ACTIVITIES OF GEOLOGICAL SURVEY

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on activities of the Geological Survey, for the 6-month period ended June 30, 1964; to the Committee on Interior and Insular Affairs.

REPORT ON TORT CLAIMS PAID BY OFFICE OF EMERGENCY PLANNING

A letter from the Director, Office of Emergency Planning, Executive Office of the President, reporting, pursuant to law, on tort claims paid by that Office, during fiscal year 1964; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by the chairman, Kadena-son Assembly, of the island of Okinawa, praying for the public election for the post of chief executive; to the Committee on Armed Services.

The petition of Elbert C. Stout, of El Paso, Tex., relating to medical care for the aged; to the Committee on Finance.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. RUSSELL, from the Committee on Appropriations, with amendments:

H.R. 10939. An act making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1238).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. HILL, from the Committee on Labor and Public Welfare:

Edward Steidle, of Pennsylvania, to be a member of the Federal Coal Mine Safety Board of Review.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DODD (for himself and Mr. CURTIS):

S. 3027. A bill to incorporate the American Academy of Actuaries; to the Committee on the Judiciary.

(See the remarks of Mr. DODD when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD:

S. 3028. A bill to authorize the President to appoint Maj. Gen. Benjamin D. Foulois, retired, to the grade of general in the U.S. Air Force; to the Committee on Armed Services.

(See the remarks of Mr. DODD when he introduced the above bill, which appear under a separate heading.)

By Mr. KUCHEL:

S. 3029. A bill to provide authority for the payment of per diem for certain travel of employees of the Department of the Navy; to the Committee on the Judiciary.

(See the remarks of Mr. KUCHEL when he introduced the above bill, which appear under a separate heading.)

By Mr. MAGNUSON (by request):

S. 3030. A bill to amend section 510(a)(1) of the Merchant Marine Act, 1936; to the Committee on Commerce.

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

CHARTER OF AMERICAN ACADEMY OF ACTUARIES

Mr. DODD. Mr. President, on behalf of myself and the distinguished Senator from Nebraska [Mr. CURTIS], I introduce, for appropriate reference, a bill which would provide for a Federal charter for the American Academy of Actuaries. I ask unanimous consent that the text of the bill be printed following my remarks, and that it remain at the desk for 1 week in order that other Senators who wish to cosponsor it may do so.

The PRESIDING OFFICER (Mr. BREWSTER in the chair). The bill will be received and appropriately referred; and, without objection, will be printed in the RECORD and remain at the desk as requested.

The bill (S. 3027) to incorporate the American Academy of Actuaries, introduced by Mr. DODD (for himself and Mr. CURTIS), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CORPORATION CREATED.—The persons named below and their associates and successors are created a body corporate by the name of "American Academy of Actu-

aries" (hereinafter referred to as the "Academy") and by such name shall be known and have perpetual succession and the powers and limitations contained in this Act:

SEC. 2. COMPLETION OF ORGANIZATION.—A majority of the persons named in section 1 of this Act are authorized to meet to complete the organization of the Academy by the adoption of bylaws, by the election of officers and directors to serve until the close of the first annual meeting of the Academy, and by doing all other things necessary to carry into effect the provisions of this Act.

SEC. 3. OBJECTS AND PURPOSES OF ACADEMY.—The objects and purposes of the Academy shall be:

(1) To advance the knowledge of actuarial science, which had its origin in the application of the doctrine of probabilities to human affairs and from which life insurance, pension plans, casualty insurance, and other analogous institutions derive their principles of operation;

(2) To encourage the consideration of all monetary questions involving, separately or in combination, the mathematical doctrine of probabilities and the principles of interest;

(3) To promote education in actuarial science and the interchange of information among actuaries and among the various actuarial organizations;

(4) To establish, promote and maintain high standards of conduct and competence within the actuarial profession;

(5) To encourage the coordination of efforts of the organizations named in section 1 of this Act.

THE INCORPORATORS

John C. Angle, Lincoln, Nebraska.
Clarence L. Alford, Nashville, Tennessee.
John C. Archibald, Des Moines, Iowa.
Henry E. Blagden, Newark, New Jersey.
Thomas P. Bowles, Jr., Atlanta, Georgia.
Dorrance C. Bronson, Washington, District of Columbia.
Edward D. Brown, Jr., Chicago, Illinois.
Harley N. Bruce, Chicago, Illinois.
George M. Bryce, Fort Wayne, Indiana.
George B. Buck, Jr., New York, New York.
Donald G. Clark, Stamford, Connecticut.
Harold E. Curry, Bloomington, Illinois.
Mary M. Cusic, Rock Island, Illinois.
Charles C. Dubuar, Albany, New York.
John K. Dyer, Jr., Philadelphia, Pennsylvania.
Gilbert W. Fitzhugh, New York, New York.
Frank J. Gadient, Rock Island, Illinois.
Walter C. Green, Salt Lake City, Utah.
Frank L. Griffin, Jr., Chicago, Illinois.
William E. Groves, New Orleans, Louisiana.
Frank Harwayne, New York, New York.
William J. Hazam, Wakefield, Massachusetts.
Victor E. Henningsen, Milwaukee, Wisconsin.
Reinhard A. Hohaus, Greens Farms, Connecticut.
Reuben I. Jacobson, Minneapolis, Minnesota.
Wilmer A. Jenkins, New York, New York.
Walter Klem, New York, New York.
Meno T. Lake, Los Angeles, California.
Edwin B. Lancaster, New York, New York.
William Leslie, Jr., New York, New York.
Joseph Linder, New York, New York.
Laurence H. Longley-Cook, Philadelphia, Pennsylvania.
Lauren J. Lutz, Syracuse, New York.
Daniel J. McNamara, New York, New York.
Norton E. Masterson, Stevens Point, Wisconsin.
Allen L. Mayerson, Lansing, Michigan.
Charles Mehlman, San Francisco, California.
Carlton H. Menge, Tulsa, Oklahoma.
John H. Miller, Springfield, Massachusetts.
Wendell A. Milliman, Seattle, Washington.
Thomas E. Murrin, San Francisco, California.
Joseph Musher, Washington, District of Columbia.
Robert J. Myers, Washington, District of Columbia.
Carroll E. Nelson, St. Louis, Missouri.
A. C. Olshen, San Francisco, California.
H. Lewis Rietz, Houston, Texas.
Henry F. Rood, Fort Wayne, Indiana.
Walter L. Rugland, Appleton, Wisconsin.
David G. Scott, Chicago, Illinois.
Charles A. Siegfried, New York, New York.
H. Raymond Strong, Dallas, Texas.
Oscar Swenson, Los Angeles, California.
Harmon R. Taylor, Cedar Rapids, Iowa.
G. Frank Waites, San Francisco, California.
Andrew C. Webster, New York, New York.
Bert A. Winter, Newark, New Jersey.

In furtherance of these ends the Academy may promote activities to recruit and educate those who desire to become actuaries and to undertake such other activities as may seem desirable.

SEC. 4. POWERS OF ACADEMY.—The Academy shall have the following powers:

(1) To adopt, amend and administer bylaws, not inconsistent with the laws of the United States or of any State, territory, or possession of the United States in which the Academy is to operate, for the management of its property and the regulation of its affairs;

(2) To adopt, use, and alter a corporate seal;

(3) To choose such officers, managers, agents, and employees as the business of the Academy may require;

(4) To sue and be sued, complain and defend in any court of competent jurisdiction;

(5) To contract and be contracted with;

(6) To transfer, lease, or convey real or personal property;

(7) To take and hold by lease, gift, purchase, grant, devise, bequest, or otherwise, any property, real or personal, necessary for carrying into effect the purposes of the Academy, subject to the applicable provisions of law of any State (a) governing the amount or kind of real and personal property which may be held by, or (b) otherwise limiting or controlling the ownership of real and personal property by a corporation operating in such State;

(8) To borrow money for the purpose of the Academy, issue bonds, or other evidence of indebtedness therefor, and secure the same by mortgage or pledge, subject to applicable Federal or State laws;

(9) To do any and all acts necessary and proper to carry out the objects and purposes of the Academy.

SEC. 5. PRINCIPAL OFFICE; TERRITORIAL SCOPE OF ACTIVITIES.—

A. The principal office of the Academy shall be established at such place as its Board of Directors deems appropriate.

B. The activities of the Academy may be conducted throughout the various States, territories, and possessions of the United States.

C. The Academy shall maintain at all times in the District of Columbia a designated agent authorized to accept service of process for the Academy, such designation to be filed in the Office of the Clerk of the United States District Court for the District of Columbia.

D. Notice to, or service upon such agent, or mailed to the business address of such agent, shall be deemed sufficient notice of service upon the Academy.

SEC. 6. MEMBERSHIP; VOTING RIGHTS.—

A. Eligibility for membership in the Academy and the rights and privileges of Members shall, except as provided in this Act, be determined according to the bylaws of the Academy.

B. Each Member shall be entitled to one vote.

SEC. 7. GOVERNING BODY; COMPOSITION; TENURE.—The Academy shall be governed by a board of directors composed of not less than ten or more than thirty-five Members. The method of election, term of office, and other matters pertaining to the board of directors shall be provided in the bylaws.

SEC. 8. OFFICES OF ACADEMY; POWERS AND DUTIES.—

A. The officers of the Academy shall be members of the Academy and shall consist of a president, the number of vice presidents provided in the bylaws, a secretary, a treasurer, and such other officers as may be provided in the bylaws.

B. The officers shall perform such duties and have such powers as the bylaws and the board of directors may from time to time prescribe.

SEC. 9. DISTRIBUTION OF INCOME OR ASSETS TO MEMBERS; LOANS.—

A. No part of the income or assets of the Academy shall inure to any Member, officer or director, or be distributable to any such person; except that the board of directors may from time to time employ such persons as it deems necessary to carry out the objects and purposes of the Academy and compensate them in the form of salary or otherwise for the services rendered or duties performed.

B. The Academy shall not make loans to any members or employees.

SEC. 10. NONPOLITICAL NATURE OF ACADEMY.—The Academy and its members, officers, and directors, as such, shall not contribute to or otherwise support or assist any political party or candidate for elective public office.

SEC. 11. LIABILITY FOR ACTS OF OFFICERS AND AGENTS.—The Academy shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 12. PROHIBITION AGAINST ISSUANCE OF STOCK OR PAYMENT OF DIVIDENDS.—The Academy shall have no power to issue any shares of stock, to declare or pay any dividends, or to engage in business for pecuniary profit.

SEC. 13. BOOKS AND RECORDS; INSPECTION.—The Academy shall keep correct and complete books and records of account. It shall also keep minutes of the proceedings of the meetings of its members, its board of directors, and committees having any authority under the board of directors. It shall also keep a record of the names and addresses of its members.

SEC. 14. AUDIT OF FINANCIAL TRANSACTIONS; REPORT TO THE CONGRESS.—

A. Financial transactions of the Academy shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or by licensed public accountants, certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place, or places, where the accounts of the Academy are normally kept. All books, accounts, financial records, reports, files and all other papers, things, or property, belonging to or in use by the Academy and necessary to facilitate the audits, shall be made available to the person, or persons, conducting the audits; full facilities for verifying transactions for the balances or securities held by depositories, fiscal agents, and custodians shall be offered to such person or persons.

B. The report of such independent audit shall be submitted to the Congress not later than six months following the close of the fiscal year for which the audit was made. The report shall set forth the scope of the audit and shall include such statements as are necessary to present fairly the Academy's assets and liabilities and its surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of its income and expenses during the year, together with the independent auditor's opinion of those statements.

SEC. 15. USE OF ASSETS UPON DISSOLUTION OR LIQUIDATION.—Upon final dissolution or liquidation of the Academy, and after the discharge or satisfaction of all outstanding obligations and liabilities, the remaining assets of the Academy shall be used by the board of directors for one or more of the purposes stated in section 3 of this Act.

SEC. 16. EXCLUSIVE RIGHT TO NAME AND SEALS.—The Academy shall have sole and exclusive right to use the name "American Academy of Actuaries" and such seals as the corporation may lawfully adopt.

SEC. 17. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.—The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

Mr. DODD. Mr. President, over the years the Congress has found it desirable and in the public interest to grant Federal charters to a number of organizations in the scientific and professional field when their activities have been on a nationwide basis. For example, this has been done for such organizations as the American Chemical Society, the American Historical Association, the American Society of International Law, the Foundation of the Federal Bar Association, and the National Academy of Sciences. Such Federal charters have been of value not only to the organizations involved, but also they are very much in the public interest in that the professional and scientific aims and purposes of the groups involved are made known to the general public.

The profession of actuary is an old one, dating from the foundation of the business of life insurance. An actuary is one who practices actuarial science, which has been defined as the science which had its origin in the application of the doctrine of probabilities to human affairs and from which life insurance, pension plans, casualty insurance and other analogous institutions derive their principles of operation. It was entirely due to development of the theory of "life contingencies" by the early actuaries that the system of legal reserve life insurance became possible and, as the practice of life insurance grew, the profession grew with it. Actuaries undergo a long and rigorous training, both academic and practical, in order to be able to perform their duties. The examinations of the Society of Actuaries and of the Casualty Actuarial Society are generally considered at least as difficult as those of any other profession.

The actuarial profession is largely responsible for the technical methods and framework leading to the enormous aggregate of today's economic protection against the hazards of death, disability, retirement and property loss. The field of actuarial science and its influence on the social and economic affairs of the Nation have been growing rapidly in recent years with the great expansion that has taken place in all phases of the insurance business.

The lives of some 130 million persons in the United States are insured by life insurance companies, and at least as many persons are protected under casualty insurance contracts. These life and casualty insurance companies must compute and establish reserve liabilities which guarantee the fulfillment of policy contract obligations. These reserves are determined in accordance with actuarial theory and techniques.

Retirement plans in the United States have experienced a tremendous growth in recent years. The number of persons covered by private and public plans—other than social security—has increased more than 600 percent since 1930. In 1930, less than 5½ million people were covered by retirement plans; at the end of 1962 the number was over 35 million. Assets and reserves in 1930 were less than $1½ billion; at the end of 1962 they were more than $100 billion. The longrun security of the employees covered is dependent upon contributions made and reserves accumulated under such plans and it is the actuary, with calculations based on actuarial theory and techniques, who makes the recommendations for these contributions and reserves.

Among other fields requiring the services and calculations of the actuary are Blue Cross and Blue Shield plans, workmen's compensation insurance, and the many other forms of casualty insurance, such as automobile liability. The actuary, too, advises the Federal Government on financing problems of the social security system and other retirement systems and provides the actuarial calculations necessary to determine the cost of the benefits and the financing bases that must be adopted. The actuary also advises on certain census and vital statistics problems.

Over the years, four nationally recognized actuarial bodies have been developed to provide for the training and qualifications of actuaries. These bodies hold meetings at which professional papers may be discussed and ideas exchanged. In each of these bodies, there is emphasis generally in one or more of the branches of actuarial science but not in all of them, and each has set up certain membership requirements—based on passing examinations or on having certain experience qualifications. These four actuarial bodies—in the order of their size—are as follows: the Society of Actuaries, whose primary fields are life insurance, health insurance, and pensions; the Casualty Actuarial Society primarily comprising casualty, fire, and health insurance; the Conference of Actuaries in Public Practice, whose field covers all branches of insurance, welfare benefits, and pensions from the standpoint of consulting actuaries; and the Fraternal Actuarial Association, whose interests lie in the provision of insurance through fraternal orders. Many actuaries belong to more than one of these bodies.

Despite the existence of these four actuarial bodies, with few exceptions there are no legal provisions—Federal or State—specifying the technical education and experience that an individual should have in order to hold himself forth to the public as an actuary. In fact, as the situation now stands, any person can so designate himself, and the public has no assurance of his qualifications to serve it as an actuary.

We have referred to the tremendous increase in the number of private pension plans. Many firms have been formed to advise clients with respect to these plans, and some of these firms list themselves or certain members as actuaries. A number of such firms are well staffed by experienced actuaries, but others are not. There is no prohibition against, or restriction with respect to, a person designating and presenting himself to the public as an actuary even though he may practice in those areas where the public interest is involved. The uniformed client does not know whether or not he is obtaining the services of a qualified actuary. The question of legal recognition of actuaries can no longer be ignored.

The four actuarial bodies attempt to recruit and train enough qualified actuaries to meet the needs of the public, and they require their members to meet strict standards of education, training, and professional conduct. It now appears necessary and advisable to alert the Congress, the Federal departments, and the public to recognize only qualified actuaries and to advocate means for the legal recognition or accreditation of these qualified actuaries.

As a standard for accreditation for an actuary, it would be impractical to refer to membership in one of the four actuarial bodies; first, because of complications arising from the fact that each body has more than one class of membership, and second, because there are capable practicing actuaries who are not members of any of these organizations. It was concluded that the best solution would be a new organization with one class of membership.

Accordingly, in order to advance the knowledge of actuarial science through education and the promotion of the concepts thereof in the minds of the general public; to establish, promote, and maintain high standards of conduct and competence within the actuarial profession; and to encourage in this purpose the coordination of the efforts of the existing actuarial bodies and of other proven competent persons not now members thereof, it is proposed to organize a federally chartered organization termed the "American Academy of Actuaries." The four actuarial bodies have endorsed this proposal by resolution of their governing boards and by vote of their members.

It is planned that all full members of the existing national actuarial organizations may automatically become members of the academy. Less than "full" members of these bodies may also become members of the academy if they have satisfactory academic training and experience in actuarial science. Furthermore, the membership will not be confined to those who are members of the existing four bodies, but will also be available to others if they have satisfactory experience. Ultimately, it is the purpose of the academy that all persons who wish to be members will be able to attain this purpose by passing examinations of a comprehensive nature in actuarial mathematics and insurance principles which, along with demonstrated experience, will establish their competence as actuaries.

The Internal Revenue Service should be able to recognize whether a person is a qualified actuary in connection with its pension-plan review activities when he presents figures or statements having an actuarial content. In the future, membership in the American Academy of Actuaries will, it is believed, be acceptable as such a standard for qualification where such need arises.

The creation of the academy would be of great value not only to the general public and to the actuarial profession, but also to a number of Federal, State, and local government agencies that either have dealings with actuaries or, in some cases, employ actuaries. Under these circumstances the agencies involved could readily establish appropriate accreditation procedures for persons to appear before them in connection with matters involving actuarial problems.

Mr. President, this bill is needed in improving the security of the many employees and others covered under the vast benefit programs in effect in our Nation, in the recognition and encouragement that it would give to this important profession and science, and in the public interest generally. I urge its speedy enactment.

Mr. CURTIS. Mr. President, I am very glad to join the distinguished senior Senator from Connecticut in introducing the bill that would provide for a Federal charter for the American Academy of Actuaries.

Over the years of my congressional service, I have had the opportunity to study closely the financial implications of both private and public measures aimed at providing economic security for the people of our country. Such measures must, of course, have a sound financing base, and this can be achieved only if there is continuing actuarial analysis, evaluation, and guidance of the multitude of plans and programs that have been developed for these purposes. The actuaries so involved must not only be technically well trained in this difficult and complex mathematical area, but also they must be persons of high professional stature and integrity. Although there is naturally some range of variation present in actuarial cost estimates for programs that extend many years into the future, the professional actuary must develop the most likely assumptions for sound financing of the particular plan under consideration, and then the cost calculations must be made with the utmost accuracy and precision possible with the experience data available. In the final analysis, the economic security of the participants of these plans rests largely upon the professional skill and integrity of the actuary.

The distinguished senior Senator from Connecticut has given full details as to why a Federal charter for the American Academy of Actuaries is desirable, not only to the actuarial profession, but also to the general public of our country so that the professional and scientific aims and purposes of this profession can better be made known. It is my understanding that there is unanimity of opinion in the desirability of forming this new actuarial body among all the members of the existing four specialized national actuarial organizations and that various Federal and State agencies with whom this idea has been discussed welcome the formation of an organization, membership in which will serve as a satisfactory standard for qualification of an actuary.

Mr. President, this bill will make a definite and significant step forward in improving and strengthening the economic security of the vast majority of persons in our Nation by the recognition that it will give to the truly professional nature of actuarial science. I urge that it be enacted as speedily as possible.

I commend the distinguished Senator from Connecticut for introducing the bill. I am happy to join in it. I hope it will have early approval of the Senate.

Mr. DODD. I am grateful for the remarks of the Senator from Nebraska. I join him in the hope that it will receive serious and early consideration.

APPOINTMENT OF MAJ. GEN. BENJAMIN FOULOIS, RETIRED, TO GRADE OF GENERAL IN THE U.S AIR FORCE

Mr. DODD. Mr. President, I introduce, for appropriate reference, a bill to authorize the President to appoint Maj. Gen. Benjamin Foulois, retired, to the grade of general in the U.S. Air Force.

This is an honor and a tribute which I think all of my colleagues will agree is well deserved, because Major General Foulois has served his country on active duty and in retired status for a total of 63 years.

He qualified as an Army pilot in 1909, commanded the 1st Aero Squadron with the Mexican Expedition in 1915 and 1916, was Chief of the Air Services of the American Expeditionary Forces in France during World War I, and he was Chief of the Army Air Corps from 1931 until his retirement on December 31, 1935.

Major General Foulois was one of the real aviation pioneers, and he has served his country for many years in a colorful, constructive, and outstanding manner.

It was not until 1963 that he received a decoration in recognition of his services because during the entire period of his active duty awards for aviation were not authorized. An act of Congress authorized the presentation to Major General Foulois of an Air Force medal of recognition.

But I do not think our expression of thanks and gratitude to Major General Foulois will be complete until we give him the rank of general in the U.S. Air Force.

It is only appropriate that a former Chief of the Army Air Corps hold this rank and I hope the Senate will give prompt approval to the bill I have just introduced.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3028) to authorize the President to appoint Maj. Gen. Benjamin D. Foulois, retired, to the grade of general in the U.S. Air Force, introduced by Mr. DODD, was received, read twice by its title, and referred to the Committee on Armed Services.

ADDITIONAL COMPENSATION FOR NAVY EMPLOYEES ON CALIFORNIA OFFSHORE ISLANDS

Mr. KUCHEL. Mr. President, I introduce for appropriate reference a bill to provide authority for payments of per diem for certain travel of employees of the Department of the Navy.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3029) to provide authority for the payment of per diem for certain travel of employees of the Department of the Navy, introduced by Mr. KUCHEL, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. KUCHEL. Mr. President, one of the more difficult assignments for civilian employees of the U.S. Navy is serving on the California offshore islands doing tracking and data gathering work. The islands are remote, and transportation between these islands and the California mainland is provided for civilian employees only on weekends.

In order to compensate these workers for the unusual necessity of maintaining a home both on the island and on the mainland, the Navy had been paying them per diem expense money at the rate of $6 per day. Without this additional incentive pay, the Navy contended, it could not attract talented and capable employees to do these jobs.

At the request of the General Accounting Office, the Navy terminated the per diem payments for civilian personnel working on the offshore islands. The GAO contends per diem can be paid only when an employee is away from his permanent duty station.

The Navy advises me that it expects to lose 20 percent of its employees on the offshore islands if some form of the per diem allowance is not restored. The Navy is particularly upset because those men who would leave are highly trained and skilled technical personnel who would be very difficult to replace.

The bill which I am introducing would provide a constructive solution to this problem by permitting the Navy to pay these men an allowance not to exceed $10 a day, for the extra travel costs and inconvenience of working on the offshore islands. This legislation has the approval of both the Navy and the General Accounting Office. I hope the Senate will give it most serious consideration.

Mr. KEATING. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I am always delighted to yield to my able friend from New York.

Mr. KEATING. The bill would affect islands offshore from California, but I call attention to the fact that we have offshore islands in the East, and we want to have them properly taken care of.

Mr. KUCHEL. I will put it that if the U.S. Navy were to find that there were problems with respect to the offshore islands off the great Commonwealth

that my friend so magnificently represents, they would be included in this bill.

Mr. KEATING. I thank my friend.

Mr. KUCHEL. Perhaps I should include them.

Mr. KEATING. I think so. We may want to amend the bill.

AMENDMENT OF SECTION 510(a)(1) OF MERCHANT MARINE ACT, 1936

Mr. MAGNUSON. Mr. President, by request of the Secretary of Commerce, I introduce, for appropriate reference, a bill to amend section 510(a)(1) of the Merchant Marine Act, 1936. I ask unanimous consent that the letter from the Secretary, a statement of the purpose of the bill, and a comparative text showing the changes the proposed bill would make in existing law, be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the letter, statement, and comparative text will be printed in the RECORD.

The bill (S. 3030) to amend section 510(a)(1) of the Merchant Marine Act, 1936, introduced by Mr. MAGNUSON, by request, was received, read twice by its title, and referred to the Committee on Commerce.

The letter, statement of purpose, and comparative text presented by Mr. MAGNUSON are as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., July 20, 1964.

Hon. CARL HAYDEN,
President pro tempore of the Senate,
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There are submitted herewith four copies of a proposed bill together with a statement of its purpose and provisions, to amend section 510(a)(1) of the Merchant Marine Act, 1936. A comparative text showing the changes the proposed bill would make in existing law is also included.

As stated in the statement of purpose and provisions, this amendment is made necessary by the expiration on June 30, 1964, of the proviso to that section. Since additional ships are scheduled for trade-in during the coming months, it would be highly desirable if the Congress could pass this proposal at the present session.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours,

LUTHER H. HODGES.

STATEMENT OF THE PURPOSES AND PROVISIONS OF THE DRAFT BILL TO AMEND SECTION 510(a)(1) OF THE MERCHANT MARINE ACT, 1936

When section 510 of the Merchant Marine Act, 1936, was enacted it defined an "obsolete vessel" for purposes of the trade-in provisions of that section as a vessel which—

(A) Is of not less than 1,350 gross tons;

(B) Is not less than 17 years old and, in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States; and

(C) Is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least 3 years immediately prior to the date of acquisition under the section.

In 1952, however, a proviso was added to this definition which provided that until June 30, 1958, the term "obsolete vessel" shall mean a vessel which—

(A) Is of not less than 1,350 gross tons;

(B) Is not less than 12 years old; and

(C) Is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least 3 years immediately prior to the date of acquisition under this section.

This proviso had been extended by subsequent legislation so that it would remain applicable until June 30, 1964.

The difference between the original definition and the proviso is in subdivision (B) of both of them. Subdivision (B) of the original definition requires that the vessel to be traded in be not less than 17 years old and in the judgment of the Commission obsolete or inadequate for successful operation in the domestic or foreign trade of the United States. Subdivision (B) of the proviso merely requires that the vessel be not less than 12 years old.

The reason for enactment of the proviso was to permit an orderly replacement program for war-built ships all of which were built between 1941 and 1946 and would reach the end of their statutory 20-year lives between 1961 and 1966. The purpose was to avoid such block obsolesence by permitting the trade-in of some of these vessels before they become 20 years of age and some after they reach that age. For that reason the minimum age required for trade-in by the proviso was 12 years and there was no requirement for a finding that the traded-in ship is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States.

Upon expiration of the proviso on June 30, 1964, the original definition again became applicable. The 17-year minimum age will not be a problem, because all of the war-built ships were at least 17 years old on the date the proviso expired. The required finding, however, will be a problem.

Under the replacement program for subsidized operators, it is anticipated that 15 to 20 new ships will be built per year. The program for replacement of the war-built ships will be completed in 1975. This means that some of the war-built ships will be operated with the aid of operating-differential subsidy until they are about 30 years of age. Section 605(b) of the act provides that operating-differential subsidy shall not be paid for the operation of vessels built before January 1, 1946, which are more than 20 years old (or for the operation of vessels built after that date which are more than 25 years old) unless the Secretary of Commerce finds that it is to the public interest to do so. A finding that a ship, say a C–3, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States at its age of 17 years is not consistent with a finding that it is to the public interest to pay operating-differential subsidy for the operation of other ships of the same type until they are 30 years of age. In addition on the basis of current market values, we have recently fixed the value of two C–3's which are respectively 20 and 21 years old under the Vessel Exchange Act for trade-in purposes at approximately $850,000 each, and we have five applicants for the trade-out of these ships under that act. These facts likewise are not consistent with a finding that such vessels are obsolete or inadequate for successful operation in the domestic or foreign trade of the United States.

The draft bill would amend section 510(a)(1) to eliminate this inconsistency by striking out the required finding and substituting therefor a finding that the vessel should be traded in when determined by the Secretary of Commerce to be in the public interest.

COMPARATIVE TEXT SHOWING THE CHANGES THE DRAFT BILL TO AMEND SECTION 510(a)(1) WOULD MAKE IN THAT SECTION

(Deletions are shown in black brackets; new material is shown in italic)

SEC. 501. (a) When used in this section—

(1) The term "obsolete vessel" means a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons; (B) is not less than seventeen years old; and [in the judgment of the Commission, is obsolete or inadequate for successful operation in the domestic or foreign trade of the United States] *in the judgment of the Secretary of Commerce should be replaced in the public interest*; and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder [: *Provided*, That until June 30, 1964, the term "obsolete vessel" shall mean a vessel or vessels, each of which (A) is of not less than one thousand three hundred and fifty gross tons; (B) is not less than twelve years old; and (C) is owned by a citizen or citizens of the United States and has been owned by such citizen or citizens for at least three years immediately prior to the date of acquisition hereunder].

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF DEFENSE APPROPRIATION BILL (AMENDMENT NO. 1137)

Mr. JAVITS. Mr. President, I send to the desk an amendment to H.R. 10939, the Department of Defense appropriation bill. The amendment is submitted on behalf of myself, my colleague from New York [Mr. KEATING], and the Senators from New Hampshire [Mr. COTTON and Mr. MCINTYRE]. I ask that the amendment be printed, and that it also be printed in the RECORD, together with a notice of motion for a suspension of the rule. I do so at this time so that other Senators whose States have naval shipyards, and who are interested, may join with Senators KEATING, COTTON, MCINTYRE, and me in the submission of the amendment.

There being no objection, the notice of motion to suspend the rule, submitted by Mr. JAVITS, is as follows:

NOTICE OF MOTION TO SUSPEND THE RULE

Mr. JAVITS submitted the following notice in writing:

"In accordance with rule XL of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10939) the Department of Defense Appropriation Act, 1965, the following amendment; namely: Before the last section thereof insert the following new section:

" 'SEC. —. None of the funds appropriated in this Act shall be used to defray any expense incident to the closing of any Navy shipyard until the Secretary of Defense has transmitted to the Committee on Armed Services of the Senate and to the Committee on Armed Services of the House of Representatives a detailed study of the need and justification for the closing of that shipyard, and (1) each such committee has transmitted to the Secretary written notice to the effect that such committee has no objection to the closing of that shipyard, or (2) forty-five days have elapsed after the transmittal by the Secretary of such study to those committees.'

"Renumber the following section accordingly."

Mr. JAVITS (for himself, Mr. KEATING, Mr. COTTON, and Mr. MCINTYRE) also submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 10939 making appropriations for the Department of Defense for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

U.S. DOLLARS FOR PUBLIC WORKS IN FOREIGN COUNTRIES—WHY NOT ALSO IN THE UNITED STATES—AMENDMENT (AMENDMENT NO. 1138)

Mr. GRUENING. Mr. President, I send to the desk an amendment to H.R. 11380—the amendments to the Foreign Assistance Act—and ask that the amendment lie at the desk and be printed in the RECORD at the conclusion of my remarks.

This is a simple amendment to add to the bill H.R. 11380 the provisions of S. 1856 which is now on the Senate Calendar, Order No. 995, having been reported by the able and distinguished senior Senator from Michigan [Mr. MCNAMARA] from the Senate Committee on Public Works. My amendment makes no change whatsoever in the provisions of S. 1856—it merely attaches it to the foreign assistance amendments which will shortly be before the Senate for action.

S. 1856—which is my amendment—increases the authorization for the accelerated public works program by $1.5 billion.

In connection with the Senate's consideration of the poverty program, I made a statement earlier this week on the floor indicating why I believed an extension and increase in the accelerated public works program was an essential part of the President's war against poverty.

As far as it goes, the President's program for his war against poverty as contained in S. 2642 is a good beginning. But it does not go far enough. We need jobs for our chronic unemployed right now. Needed public works cannot wait.

It is therefore quite appropriate that I should propose this amendment to the foreign assistance amendments providing for the fiscal 1965 foreign assistance program.

At the appropriate time I shall have more to say about the administration of our foreign aid program, past, present and future.

For the time being, however, I shall confine my remarks to my proposed amendment.

We have heard much about the fact that this is a "barebone" request for $3.4 billion for fiscal year 1965. That is not quite accurate. Our program for fiscal year 1965 is to be in the neighborhood of $6 billion.

On page 272 of the Senate hearings on H.R. 11380 appears the following colloquy:

Senator SYMINGTON. You come out with a figure of $3.4 billion. I turn that over to somebody trying to be objective and say, "Give me what the true figure is." He then gives me a figure of $6 billion as actually the foreign aid we are going to give or loan this year. That includes incidentally over $2 billion of Public Law 480 money. The AID program is not a $3.4 billion program. It is a $6 billion program. Right?

Mr. BELL (Hon. David E. Bell, Administrator, Agency for International Development). Somewhere between five and six; yes, sir.

We are dealing, therefore, with a proposed foreign aid program for the 1965 fiscal year of about $6 billion. A large proportion of this sum will be for public works.

It is therefore entirely appropriate that there be added to this sum an amount almost one-fourth as much—$1.5 billion—for a public works program here at home. In that connection, I should point out that this sum of $1.5 billion is not, as is the requested $6 billion for the foreign aid program, only for the fiscal year 1965 with another $6 billion or more to be proposed for fiscal year 1966, and on and on and on into the unforeseeable future. This $1.5 billion is for the accelerated public works program for the years ahead—although this sum and more could easily be spent in the 1965 fiscal year alone.

I shall talk at another time in greater detail of the significance of this amendment and what it would do for the unemployed in the United States. At this time, I only wish to say that if we can afford to spend $6 billion annually on a foreign assistance program which aids the unemployed of foreign countries, we can afford to spend almost one-fourth of that amount on a one-time effort to aid the unemployed in the United States through an extended and increased public works program.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment was ordered to lie on the table, as follows:

On page 17, after line 7, add the following new section:

"TITLE VIII—ACCELERATED PUBLIC WORKS

"SEC. 801. Section 3(d) of the Public Works Acceleration Act (Public Law 87-658; 76 Stat. 542) is hereby amended to read as follows:

" '(d) There is hereby authorized to be appropriated not to exceed $2,400,000,000 to be allocated by the President in accordance with subsection (b) of this section, except that not less than $800,000,000 shall be allocated for public works projects in areas designated by the Secretary of Commerce as redevelopment areas under subsection (b) of section 5 of the Area Redevelopment Act. Appropriations made pursuant to this authorization after the date of enactment of this sentence shall remain available until expended.' "

NOTICE OF HEARINGS ON ROLE OF GOVERNMENT IN USE OF PESTICIDES

Mr. RIBICOFF. Mr. President, I wish to announce that the Subcommittee on Reorganization and International Organizations of the Senate Committee on Government Operations will resume its hearings on the role of Government in pesticide use, regulation and research on July 28–29 in room 235, Old Senate Office Building at 10 a.m.

Since this latest round of hearings began last April there has been considerable activity relating to pesticides. Last winter's fish kill in the Lower Mississippi River Basin raised again questions concerning the manufacture and use of agricultural poisons. The subcommittee has been following this case closely because it brings into focus the many issues and problems that surround the pesticide controversy.

We have seen at first hand and for the first time the workings of the various Government agencies responsible for pesticide regulation and research. We have seen them work, sometimes together, sometimes not, as they attempt to reach the answers to such basic questions as: What are the hazards of pesticides and when do they outweigh their benefits?

Since our hearings resumed we have seen the first public hearings by the Department of Agriculture on the question of whether a pesticide should be removed from the market. We have seen the first water pollution enforcement conference to deal with questions of pesticide pollution. We have seen two pesticides withdrawn from long standing use on forage crops after new scientific methods detected residues in milk. We have seen the problems caused by serious loopholes in our regulatory laws—no manufacturing plant registration, no factory inspection, no quality manufacturing control regulations, no authority to enjoin unlawful acts by pesticide producers, and a shocking lack of uniform control over pesticide waste disposal practices, which pose a serious threat to our Nation's waterways.

Finally, we have seen the first real indication of a shift in national pesticide policy. In its report on the "Use of Pesticides" 14 months ago, the President's Science Advisory Committee recommended that, "Government-sponsored programs continue to shift their emphasis from research on broad spectrum chemicals to provide more support for research on selectively toxic chemicals, nonpersistent chemicals, selective methods of application, and nonchemical control methods such as the use of attractants and the prevention of reproduction."

Although the President's Panel felt that "production of safer, more specific, and less persistent pesticide chemicals is not an unreasonable goal" we saw no change in the Government policy until this month when President Johnson requested an additional $29 million for research on pesticide-pest control. Of this amount $12 million will be devoted to research on more specific, less persistent pesticides and improved methods of application. The President's request "looks toward the reduction and eventual elimination of the need for using hazardous chemicals in agricultural production and processing." This is a real breakthrough for the American people. This is what we have been hammering at and waiting for for over a year. We have come a long way.

At the hearings next week we will continue our close scrutiny of the Mississippi River fish kill case by hearing from Bernard Lorant, of the Velsicol Chemical Corp., Lloyd L. Lauden, representing the American Sugar Cane League, S. Leary Jones, executive secretary of the Tennessee Stream Pollution Control Board, and T. B. Yost, assistant attorney general of West Virginia.

HEARINGS ON IMPACTED AREAS LEGISLATION

Mr. MORSE. Mr. President, I wish to announce that the Education Subcommittee of the Senate Committee on Labor and Public Welfare plans to hold hearings on S. 2528 and S. 2725 on Wednesday and Thursday of next week, starting at 9:30 a.m., June 29 and 30. I hope that all individuals who have indicated an interest in these bills will immediately make known to the committee staff on extension 5375, or room 4230 New Senate Office Building, their wish to be heard on these measures.

I regret this short notice but it is my understanding that since Representative DENT of the House Committee on Education and Labor has scheduled hearings on companion legislation in the same week, I feel confident that full testimony can be taken on these measures.

I wish to stress that it is my hope that most witnesses will file statements on behalf of the organizations which will be given full and complete consideration.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. THURMOND:

Statement by him, and editorials on recent racial rioting in New York City, published in the Nashville Banner of July 22 and July 23, 1964.

THE LAST COLUMN WRITTEN BY BRADFORD SMITH OF SHAFTSBURY, VT.

Mr. AIKEN. Mr. President, while I was attending the Republican National Convention in San Francisco last week, I read of the death of Bradford Smith, of Shaftsbury, Vt. Bradford Smith had a fairly good national reputation as a writer.

For the past few years he had produced a weekly column for some Vermont newspapers.

Last spring he was told that he could not live much longer.

That was pretty tough news for a comparatively young man to take. It would have meant the end of the usefulness of most people. Bradford Smith, however, would not lie down and wait for the end.

He continued to write his column designed to make this a better world and to make people understand other people better, regardless of their station in life.

His last column appeared July 21, a day or two after he died.

This last column, written during his final hours, not only reveals the character of the man, but also sets forth an understanding and a philosophy of life so clearly that it should be read by all.

His closing statement was:

The peaceful world we seek can come into being only if we as individuals will work for it.

It is evasive to blame Khrushchev or Mao or De Gaulle. The obligation, as in all great works, begins with us.

I hope that these words coming from one who had only a few days to live may be heeded.

Mr. President, I ask unanimous consent to have this last column written by Bradford Smith, and published in the Bennington Banner on July 21, 1964, printed in the RECORD.

There being no objection, the column was ordered to be printed in the RECORD, as follows:

[From the Bennington (Vt.) Banner, July 21, 1964]

SMALL WORLD: LAST COLUMN

(By Bradford Smith)

(This last column of Brad Smith's was written prior to his death last week, and submitted in the knowledge that his end was near.)

I'm sorry to say that this is my last column—not because I'm running out of ideas, but because I'm running out of steam (my particular kind of cancer having turned out in the end to be incurable), and a weekly column has to be weekly.

I hope these columns have managed to convey one idea, at least—that we do live in a small world. The world has become our neighborhood—that is perhaps the biggest thing that has happened in our lifetime. The time when we could ignore a large part of that world has gone forever. We are all voyagers together on this one planet, wherever it is going and whatever its destiny, like the passengers on a ship.

What happens on every ship voyage is happening to us now as world citizens. When you board a ship, you are among strangers. At first, you don't particularly want to know anybody. You are enjoying your anonymity and your lack of responsibility. But gradually the barriers break down, and as the voyage nears its end, a burst of fellow-feeling takes hold of the passengers as they try to make up for lost time.

Radio, Telstar, and jet travel have now made it plain to all that all men are embarked upon one voyage. We cannot reject it, but we can make the most of it.

We can develop a richer, deeper culture than any previous civilization has ever known. We can build toward a world prosperity in which economies that now compete can support each other. We can combine the unity which is necessary for peace, prosperity, and progress with the variety that is necessary to suit our individual or national preferences in Government, language, religion, recreation, art.

The tools are already in our hands:

1. Students, workers, teachers, performers, and objects of art are already being exchanged among the nations in significant numbers. Yet these programs could and should be increased many times.

2. Trade and commerce can promote peace. Good trade relations usually aid international understanding. Unless we want to fight a perpetual cold war, we should welcome trade with all nations. In the long run, no purpose is served by refusing to trade, since our friends will ultimately take the business that might have gone to us.

3. In our time a highly efficient, if somewhat bewildering complex, of international agencies has been created. Together, they are capable of dealing with almost every sort of problem. The U.N. itself has proved its ability to deal with crises. It has all the technical know-how necessary to do even more when the big powers show themselves ready to trust it. The U.N. agencies are working successfully in many fields—health, technical aid, food supplies, long-term financing of big projects which will enhance productivity, international law, regulation of airways and airwaves, and much else.

4. Voluntary organizations, so much a part of our national life, now undertake international programs of wide variety. The churches demonstrate their religious concern for human brotherhood through such organizations as Church World Service, Catholic Relief Services, Friends Service Committee, World Neighbors, the international YMCA. I have seen and admired their work abroad. Equally valuable are the work of the International Red Cross, CARE, and a hundred other agencies dealing with refugees, orphans, schools, and hospitals. World associations of scientists, artists, labor unions, youth, women, writers, and other specialists further weave our world into one web. Anyone, through his job, his faith or his hobby can play a personal part in such a network.

As our world gets to be one neighborhood, it also gets to be complicated in its relationships, until the common man despairs of understanding it. Take the field of international trade, where each nation naturally seeks its own advantage. Prolonged, involved negotiations are inescapable.

Yet internationalism is the central fact of our time. We cannot escape it. We cannot even understand all that it involves. But what we can do is to tap it for our own good and in ways congenial to us. Each of us can have his own small international involvement, whether through a pen pal, entertaining an oversea student, volunteering for the Peace Corps. The peaceful world we seek can come into being only if we as individuals will work for it.

It's evasive to blame Khrushchev or Mao or De Gaulle. The obligation, as in all great works, begins with us.

TWENTY-FIRST YEAR OF SERVICE TO MEMBERS OF CONGRESS BY THE AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH

Mr. DIRKSEN. Mr. President, a short time ago, the American Enterprise Institute for Public Policy Research entered its 21st year of service to Members of Congress. It is an occasion worth noting, for so many of us have learned to rely upon the excellent analyses and special studies now distributed to 432 Members of both bodies upon their individual requests. The purity of scholarship and the objective evaluation of all sides of legislative problems and issues of public importance are the hallmark of the institute's work.

The institute is unique in method in that its scholars are academicians of national repute whose products are not commissioned by any interest or segment of the national economy seeking the enactment of legislation or avoidance of its enactment.

In this 21st year, the institute's Academic Advisory Board is saddened by the death of a charter member, the late Dean Roscoe Pound. Dean Pound served on the Advisory Board from the beginning and his great contribution to American

jurisprudence was given an even broader identity by his counseling the Board on many important legal and legislative treaties published by the institute.

To these friends within the American Enterprise Institute, I offer my felicitations upon their 20th anniversary and my sincere good wishes for continued success.

WAR ON BUSINESS

Mr. DIRKSEN. Mr. President, Mr. Raymond Moley, who is a regular columnist for Newsweek magazine, on July 20 of this year published a column entitled "War on Business." It deals with a rather interesting case, in which a company in South Carolina undertook to go out of business. The National Labor Relations Board and the courts have been in this case, and the implications are absolutely enormous to American business and industry.

The case is now pending in the U.S. Supreme Court, and probably will be argued in the October term.

I believe that this column is so vital and touches a matter that could become such an aggravation in the business community that Congress may be constrained to deal with it before too long.

I ask unanimous consent to have the article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Newsweek, July 20, 1964]

PERSPECTIVE: WAR ON BUSINESS

(By Raymond Moley)

While the public is fascinated by L.B.J.'s war on poverty, several of the agencies over which the great almoner presides are pursuing their war on business with unabated vigor.

A good example is a case which originated with the Darlington Manufacturing Co., a small textile operation which had its origin in South Carolina in 1883. In 1937 it ran into trouble and passed through bankruptcy proceedings. At that time, Deering Milliken, Inc., acquired 41 percent of the Darlington stock shares. Deering Milliken continued as sales agents for Darlington.

For a while the company did well, but beginning in 1952 it encountered hard going which continued until 1956, when the company was liquidated. There was nothing dubious about this dissolution of the company. Its plant and equipment were sold, and its contracts were transferred to other independent companies.

However, early in the year of its liquidation the Textile Workers Union of America had held an organization drive and won a small majority for the union. The National Labor Relations Board certified the union as the employees' bargaining agent. After the liquidation, the union appealed to the NLRB, which sent in a trial examiner. He ruled that closing the business was an unfair labor practice, and also that Darlington was responsible for wages up to the actual termination of the business.

SWEEPING DECISION

Nevertheless, the trial examiner ruled that Deering Milliken and its affiliated companies were not to be regarded as a single company with Darlington and were not responsible for the unfair labor practice. He also ruled that there was ample justification for the liquidation other than the presence of the union.

The NLRB was not satisfied with the rulings of the trial examiner and three more examinations were held. Ultimately, after the Kennedy administration took over and substantially reconstructed the NLRB, the NLRB rendered a sweeping decision that the plant closing was an unfair labor practice because one of the reasons was the advent of the union. It also held that Deering Milliken and the companies affiliated with it along with Darlington constituted a single employer and that all were accountable for the unfair labor practice. They were ordered to pay back wages until such time as the employees were either hired by Deering Milliken or were placed on preferential hiring lists in the mills operated by the affiliated companies.

The case was taken to the U.S. court of appeals, which decided that Darlington had an "absolute prerogative" to go out of business and that the NLRB had no authority to assess damages. The union appealed the case to the Supreme Court, where it will be argued this fall.

LIABILITY UNLIMITED

Two basic principles are involved in this case, both of which bear upon the vast authority which has been assumed by the NLRB.

The owners of a business have a right to liquidate their company, provided it is a bona fide closing and does not disturb the public welfare materially. Going out of business, as well as going into business, is a basic element in a free enterprise system.

Equally important is the threat that the NLRB decision presents to the principles of corporate liability. In determining that a single employer was involved, the NLRB lumped together numerous companies which were related to Deering Milliken as sales agent. While these companies were owned in varying degrees by the same interests that owned Darlington, they also had hundreds of other stockholders who had no interest in Darlington or in one another. All were held liable.

If the Supreme Court should hold one corporation liable for the debts of another simply because there is an identity of stockholders, it would be a devastating blow to the corporate form of business enterprise. It would mean that a corporation could never be sure about its real financial obligations because it could not know the complete holdings of its stockholders. Without the corporate form of business with its limited liability, it would be impossible to raise the capital necessary to keep the Nation moving forward and to provide jobs for our ever-growing population.

THE WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, I wish to make a brief statement in regard to the international crisis that confronts not only the United States, but also the world, in respect to the war activities which are being conducted in South Vietnam. The United States, in my judgment, is clearly one of the aggressor nations in southeast Asia.

Yesterday, at his press conference, President de Gaulle suggested that the problems of southeast Asia should be settled in a conference by the United States, France, Russia, and Red China.

It would be better to try to go to such a conference table than to be making war, as the United States is doing at the present hour in southeast Asia, in clear violation of our Constitution, article I, section 8, and in violation of our treaty obligations under both the United Nations and SEATO.

However I am a little at a loss to understand why the United States, France, Russia, and Red China should assume that they have the prerogative and right to settle the crisis in southeast Asia for the rest of the world.

I repeat what I have said for many weeks. The countries that participated in the Geneva accords of 1954, which accords quartered Indochina into Laos, North Vietnam, Cambodia, and South Vietnam, ought to go back to the conference table. Those countries owe it to the United Nations to try peaceful methods for settling the views that have given rise to a threat to peace. That would be an appropriate approach under and within the framework of the United Nations.

Likewise, it would be perfectly proper as a regional alliance, which is permissible under the United Nations, for the SEATO to seek to go to the conference table with respect to the crisis in southeast Asia.

If such approaches are not acceptable then it seems to me that the dispute ought to go to the Security Council of the United Nations. If vetoed by Russia, or any other country in the Security Council it ought to then go to the General Assembly of the United Nations.

One thing is certainly clear. The issue ought to go to an international conference for an attempt at peaceful settlement. The issue ought to be taken off the bloody battlefields of southeast Asia.

Mr. President, this is a growing crisis. It is a crisis which is much more serious today than it was a week ago. It is a crisis which is much more serious today than it was 72 hours ago. There is no doubt that war is now waged in North Vietnam. There is no doubt that South Vietnamese forces have dropped paratroopers into North Vietnam. I am satisfied that the borders of North Vietnam have been transgressed. I am satisfied that war activities are being conducted in North Vietnam.

No one in the U.S. Government has been able, up to this hour, to lay any evidence before the Committee on Foreign Relations that he has been able to find military forces of North Vietnam, Cambodia, Laos, or China in South Vietnam. They may be there. But if they are there, they are obviously there in such small numbers that their presence has not been proved.

One of our military stooges, within the South Vietnamese military government, alleged a couple of days ago that there were North Vietnamese soldiers in South Vietnam. But that statement is now retracted. When called upon by our officials over there for the proof, they could not offer the proof. The sad thing is that the United States is guilty at this hour, in my judgment, of fighting a war in North Vietnam through military stooges of South Vietnam.

I am very glad to note in this morning's press that our Ambassador, General Taylor, has made very clear to the military dictator of South Vietnam, General Khanh, our disapproval of at least the public announcements of a plan to go north, because going north means going to war.

In my judgment, we cannot run the risk of a major war in Asia until we have

at least fulfilled our clear commitments under the United Nations Charter and our clear commitments under SEATO, with respect to which we now stand in undeniable violation before the world.

I have been serving for the past several days as a Senate aid, along with Senator HICKENLOOPER, at the Conference of Foreign Ministers at the Pan American Building. When I finish this speech, I shall return to that assignment. Talking, as I have in the past several days, with foreign ministers from countries to the south of us, one soon recognizes the great concern that exists in South America over the U.S. action in Asia. That concern exists around the world. Our best friends are at a loss to understand why the United Nations is pursuing unilateral military action in South Vietnam which constitutes an act of war, without a declaration of war, without keeping our obligation to go to the United Nations or to SEATO. We are opposing reconvening the 14-nation Geneva Conference in an effort to try to settle by peaceful procedures the threat to the peace of Asia. It is a threat which can soon become a threat to the peace of the world.

Mr. President, I deplore the fact that my Government is willing to run the risk of an all-out war in Asia. If China moves in, the war is on. And when we deal with such a despicable, desperate man as the Communist tyrant who rules China today, it is a risk that we cannot justify running unless we have exhausted every possible procedure of international law to avoid a war in southeast Asia.

Many do not like to hear me say it. But it happens to be the ugly fact. The sad fact is that the course of conduct of the United States in southeast Asia these many months past is a course of conduct that adds up only to a deliberate risking of war in southeast Asia and all of Asia.

I again utter my prayer that my country will go to the conference table. The way to meet the strategy of President de Gaulle on yesterday is for us to accept, not a four-nation conference—for I know of no reason under existing international law why the United States, France, Russia, and Red China should decide to go to a four-nation conference table over southeast Asia—but the jurisdiction of the United Nations. All the world has a stake in the conflict in southeast Asia. I would like to see the one organization that represents the Charter of the United Nations proceed to take jurisdiction over this threat to the peace of the world. If no other country is willing to lay it before the United Nations, I would have my Nation lay it before the United Nations and see to what extent the peaceful procedures of international law might establish peace in southeast Asia and bring this ugly and dangerous risk of a full-scale war in Asia to an end. That has been my position for many months past.

I congratulate the leaders of my Government for repudiating the statements of the military heads of the Government of South Vietnam, such as General Khanh and his air force commander, about proceeding to escalate and expand the war into North Vietnam. Our country should serve notice now, particularly in view of the press conference of President de Gaulle on yesterday, that our counter to that press conference is that we shall lay the matter before the United Nations to see if anything can be accomplished through peaceful procedure to bring about peace and stop the continual threat of a full-scale war in southeast Asia.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

PROPOSED AMENDMENT OF RULE XXV RELATING TO JURISDICTION OF COMMITTEE ON RULES AND ADMINISTRATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senate resumed the consideration of the resolution (S. Res. 338) amending rule XXV of the Standing Rules of the Senate relative to the jurisdiction of the Committee on Rules and Administration.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MISSISSIPPI CRIME RATE LOWEST IN NATION

Mr. STENNIS. Mr. President, in view of certain reckless charges from certain sources which have been made recently, I point out that the Federal Bureau of Investigation has just released its annual report on crime in the United States for the year 1963. The State of Mississippi, according to the FBI report, has the lowest crime rate of any State in the Nation.

The crime rate in the United States in 1963 was 1,198.3 serious crimes per 100,000 inhabitants. It is tragic that this was a 9-percent increase in the national crime rate over 1962 and represents a 12-percent increase over the average for the past 3 years.

The FBI report of serious crimes in the Nation includes murder, forcible rape, robbery, aggravated assault, burglary, larceny where $50 or more is involved, and auto theft.

According to the FBI report, the nationwide crime rate is almost three times as large as the crime rate in Mississippi. Mississippi's crime rate has consistently been among the lowest in the Nation. The crime rate in Mississippi has been reduced in each of the past 3 years, while that of the Nation has been increased. The crime rate for the Nation, and for Mississippi, for the past 3 years, is as follows:

Nationwide: 1961, 1052.8 offenses per 100,000 inhabitants; 1962, 1102.3 offenses per 100,000 inhabitants (6 percent increase); 1963, 1198.3 offenses per 100,000 inhabitants (10 percent increase).

Mississippi: 1961, 460.9 offenses per 100,000 inhabitants; 1962, 446.4 offenses per 100,000 inhabitants (3.1 percent decrease); 1963, 393.2 offenses per 100,000 inhabitants (10.2 percent decrease).

The comparisons which I make are not a reflection on any other State. There is too much crime everywhere. I wish the national average was as low as the Mississippi average, and I wish all the crime rate everywhere could be seriously reduced. I do point out that the rate of serious crimes in Mississippi is the lowest in the Nation, with 393.2 offenses per 100,000 inhabitants.

Doubtless, many newspaper columnists, editorial writers, and radio and television announcers and commentators will be greatly surprised to learn the true facts about the low crime rate in Mississippi. Unfortunately, in recent months, there has been entirely too much false propaganda filling the newspapers and airwaves of the Nation concerning Mississippi. There has apparently been a determined and dedicated effort to issue a blanket indictment of Mississippi as an area of lawlessness.

But the cold, hard record is otherwise. Mississippi has the lowest crime rate in the Nation. It is high time for the correction of the false propaganda and misconceptions which have gone out over the country. The facts contained in the FBI report repudiate this misleading and erroneous picture of Mississippi painted by some of the Nation's newspaper editors and radio and television networks.

Actually, Mississippi has the lowest crime rate in the Nation, as verified by the FBI report.

Recently, it has been demonstrated that explosive trouble can occur in any area of the Nation. The reign of terror which has been going on in the city of New York in recent weeks and months is a good example. The trouble in Harlem over the past few days shows that there are problems everywhere.

But it is also clear that the solution of the problems, particularly those brought on by racial differences, can only be found through the efforts of local citizens, with local control and local adjustments. These problems are not capable of solution by placing them in the hands of the Federal Government or under some rigid Federal formula. Insofar as law enforcement is concerned, it is clear that law enforcement must be left in the hands of local authorities.

UNITED STATES-CUBA RELATIONS

Mr. PELL. Mr. President, I should like to add another brief chapter to my continuing plea for hardheaded representation of American interests in the shifting currents of the cold war.

Several weeks ago, on the eve of U.S. trade negotiations with Rumania, I urged in this Chamber that the United States

should seek to exact, as its price for trade concessions, the release of political prisoners held by the Rumanian Government.

My reason for taking this position was simply my conviction that we must not abandon principle in our haste to take advantage of opportunities presented by changing circumstances within the Communist bloc. We must make clear that however warm the East-West thaw may get, we will never be satisfied until the essential tyranny of the Communist system is irrevocably modified to take account of human values—personal liberty and freedom of choice not only in political and economic matters, but in every realm of human activity.

In the case of Rumania, it seemed to me that our Government was afforded an excellent opportunity to exert diplomatic leverage along these lines. By making our economic friendship conditional upon humanitarian reform, we could not only make our intentions clear but we might, to some extent, be able to influence the course of events.

Although there was no mention of humanitarian reform in the official communique of those negotiations, I understand that my suggestions were taken into consideration. And, subsequently, the Rumanian Government has made public announcement of a new partial amnesty and of its intention to release virtually all political prisoners by mid-August of this year.

I invite attention today to a somewhat similar set of circumstances which seems to be developing in the case of Cuba. I refer specifically to an article entitled "Raul Castro Says Cuba Is Ready To Join United States at Bargaining Table," in the Washington Post of July 22, and to a very excellent article by Richard Eder entitled "Castro Proposes To Halt Aid to Latin Rebels," which appeared in the New York Times of July 6, and also to editorials entitled "Castro's Overture" in the New York Times of July 8 and "Castro's Bid Warrants Further Review," from the Providence Journal of July 7. I ask unanimous consent that these articles be reprinted in CONGRESSIONAL RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PELL. Mr. President, the articles to which I have referred make it clear that Fidel Castro has had enough of the U.S. policies of isolation and boycott, and suggest that he would like a change of course in United States-Cuban relations. He clearly wants to renew Cuba's close trading ties with the United States and he clearly reflects a desire on the part of the Soviet Union to be freed of its $1 million a day aid burden in Cuba.

Speaking as a former American Foreign Service officer who has opposed and sought to block the Communists on a day-to-day basis, it seems to me that now is the time for us to really get tough with the Castro regime. The overture from Havana would indicate that our policy to date has been somewhat of a success, but this is no reason for immediately acceding to the wishes of the Castro regime. We should, of course, stand ready to enter into talks with the Castro regime, if they evidence a sincere desire to do so. But we should take advantage of the position of ascendancy into which our recent and present policies have placed us and use that position to exact maximum concessions from the Castro government. Above all we should guard against responding with such eagerness to the Castro overture that we waste our leverage and needlessly subscribe to deals that would not be to our advantage.

The premier, in his long interview with Mr. Eder, did promise a constitution by January 1, 1969, but he indicated strongly that the constitutional government he was thinking of would be a one-party Communist state. This is certainly not a very appealing project to the thousands of Cuban exiles who have come to our shores, and who would like to go back—if and when they can enjoy the status of equal freemen in a democratic society which accommodates those who are out of power as well as those who are in.

This is one time when it is to our advantage to sit tight and not agree to an accommodation until Castro shows a tendency to remove some of the elements of friction that he has created. I am thinking particularly of restoring our water supply at Guantanamo, releasing some political prisoners or otherwise taking positive steps to alleviate tension.

In the meantime, if Fidel Castro finds it uncomfortably strenuous to subsidize revolutions elsewhere in Latin America, if he is feeling the effects of a diminished flow in the Moscow pipeline, if he is made nervous by the impatient menacings of thousands of displaced Cubans who would like to come home, and if he would like more spare parts from the United States—he should perhaps be compelled to contemplate these unpleasant circumstances a while longer as part of the facts of life for a practicing Communist in the Western Hemisphere. He might conclude in time that the only sure road to success is a basic political reform which allows room for his opposition to live on the same island.

It is, to be sure, encouraging that Premier Castro has seen fit to open the door for conversation. And it is especially encouraging that he is welcoming U.S. newsmen to Cuba so that we may begin to get a fuller view of what life is like there. We should certainly be prepared to enter into a continuing dialogue with him. But we must make it clear, at every step of the way, that the screws are on, and will stay on, until he changes his ways.

EXHIBIT 1

[From the Washington Post, July 22, 1964]

RAUL CASTRO SAYS CUBA IS READY TO JOIN UNITED STATES AT BARGAINING TABLE

SANTIAGO, CUBA, July 21.—Cuba is ready to meet the United States at the bargaining table "anywhere, anytime, and discuss whatever would be necessary" to iron out problems between the two nations, Armed Forces Minister Raul Castro said today.

But for such a possible reconciliation move to succeed, Castro said, "there must be no previous conditions demanded" by each country.

In Washington, the State Department declined comment on Castro's statements.

Castro was asked in a news conference with foreign newsmen if this meant Cuba would abandon the five points set forth by his brother, Premier Fidel Castro, in the October 1962 missile crisis, as essential conditions to be met prior to any negotiations.

Raul answered, "I repeat that if we would have negotiations, they would have to be without any previous conditions."

VISITED TOWN NEAR BASE

Fidel Castro has demanded American withdrawal from Guantanamo Naval Base, suspension of surveillance flights, suspension of aid to "internal subversion," lifting of the economic blockade, and suspension of "aggressive incursions against Cuba."

The younger Castro invited a group of foreign correspondents yesterday to fly with him to Guantanamo, the Cuban town about 20 miles from the U.S. base.

Castro took the newsmen to a funeral for a Cuban soldier, Ramon Lopez Pena, who the Cuban Government charged was killed by U.S. Marines on sentry duty at the Guantanamo border Sunday night.

Later the group went to Santiago and Castro spoke with newsmen until early this morning.

At the Guantanamo cemetery, Castro referred to the soldier's death and said there are some "circles in the United States conducting an aggressive and adventurous policy against Cuba."

Castro said there was an interest in provoking Cuba into an armed attack on the base but said Cuba will "continue its current policy of abstaining from the use of force against the base."

Castro's speech was surprisingly mild and appeared to reflect the new attitude of his brother, who recently expressed willingness to seek an accommodation with the United States.

The purpose in "goading Cuba" is to force President Johnson to declare war on Cuba, Castro declared. He said if the President did not, "he would be supplying (Senator BARRY) GOLDWATER with his best card."

Castro said Cuba did not consider President Johnson responsible for Guantanamo border incidents but blamed those "infiltrated reactionaries" which he said were in the Johnson administration.

The U.S. State Department has denied that a Marine killed the Cuban soldier. The Department said an investigation by the base commander indicated that Marines, provoked by shots from a Cuban guard post, fired one shot over the heads of the Cuban sentries. However, the report said, observation of the Cuban guard post indicated that no one was hurt.

DENIES CUBANS FIRED

Raul denied the State Department claim that Cuban soldiers had fired upon American sentries.

"We do not need to do this," Castro said. "If we would wish to provoke the United States, we would simply use one of the rockets we have and shoot down a U–2 plane."

Castro said his brother's offer to withdraw Cuban watchposts 100 yards to a point 150 yards from the Guantanamo border still stands and said in fact "some posts have already been moved back."

During his Santiago interview he rejected a State Department demand that Russian soldiers be withdrawn from Cuba as a condition for negotiations.

"The American Government is not entitled to impose conditions upon us. We like Soviet soldiers," Castro said.

In his speech last night, he asked the audience whether they wanted Soviet troops to leave and they shouted in reply "No." He asked whether they wanted the United States

to withdraw from Guantanamo and the crowd shouted "Yes."

[From the New York Times, July 6, 1964]

CASTRO PROPOSES DEAL TO HALT AID TO LATIN REBELS—CUBAN PREMIER WANTS U.S. PROMISE THAT HELP FOR HIS FOES WILL END—ATTITUDE CONCILIATORY—HE PLEDGES A CONSTITUTION BY 1969—PARTY WILL STILL HOLD SUPREME POWER

(By Richard Eder)

HAVANA, July 5.—Premier Fidel Castro said last night that Cuba would commit herself to withhold material support from Latin-American revolutionaries if the United States and its American allies would agree to cease their material support of subversive activity against Cuba.

In the most emphatic bid he has made in recent years for easing relations with the United States, Dr. Castro said he did not exclude the use of some international means to supervise such a joint commitment, although his personal view was that this would not be necessary.

During an 18-hour interview that took place over 3 days, Dr. Castro gave definite form to rumors and hints that have been circulating about his desire to explore a reapproachment with the United States.

He suggested that the time had come when an extensive discussion of issues between the two countries would be profitable. He said Cuba's leaders were now more mature and the United States had given some indications—notably through the Alliance for Progress—that it was willing to accept a degree of social change in Latin America.

GUARDS TO BE WITHDRAWN

Dr. Castro announced that, as "a contribution on our part to avoid incidents," the Cuban guards around the Guantanamo Naval Base would be pulled back to a distance of several hundred yards from the fence at the base. At present they are stationed about 50 yards away, he said.

He reported that he was happy to say that since July 1 provocations he has charged to the U.S. Marine guards had dwindled from 9 or 10 daily to only 1 or 2 a day.

Turning to national affairs, Dr. Castro said the Cuban revolutionary government would give way to a constitutional one not later than January 1, 1969.

He asserted that a Socialist constitution would be adopted before the 10th anniversary of the revolution, "perhaps considerably before."

He also gave a general invitation to his friends to complete the formation of this country's Communist Party, the United Party of the Cuban Socialist Revolution.

FARM TOURS INTERRUPT

Part of the interview consisted of two extensive tours of farms and beaches around Havana, during which the Premier exhibited a dozen experimental areas devoted to the subject that currently engrosses him—the raising of Holstein cattle for milk and meat.

Riding in the rear seat of a blue sedan and followed by three carloads of guards, Dr. Castro raced along the streets and highways, coming to dozens of quick stops.

He jumped in and out of the car, sloshed through mud, prodded calves, talked about Cuba's agricultural future, questioned sunbathers, burst in on startled officeworkers and collared students to tell them why they should become technicians instead of bureaucrats.

Since Dr. Castro will not talk politics when he is near a cow, the substance of the interview was provided during three night sessions, two in his penthouse apartment, one at a house he sometimes uses in a Havana suburb.

Dr. Castro's apartment is a walkup on the fifth floor of a building in a heavily guarded street in the Vedado section. His housekeeping is done by Celia Sanchez, his assistant, who lives below.

Halfway between the floor and the ceiling of the living room is a platform, reachable by a ladder, which Dr. Castro had put in as an office.

Dr. Castro was obviously eager to make his statements about the United States as conciliatory as possible. There was an almost total absence of bellicose pronouncements, and several times he restated his points, invariably altering them for the milder.

He hesitated for a while in answering a question about political prisoners, saying he did not want to introduce a discordant note into the interview.

Dr. Castro said one result of normalizing relations with the United States would be the release of about 90 percent of the political prisoners now held. These amount to "something under 15,000," he said, conceding that "this is a great many."

INDEMNITY TALKS HINTED

A later result, he said, would be discussions about indemnifying U.S. companies whose properties have been seized.

This would have to wait upon the resumption of trade with the United States "since we could not afford it until then."

There has been no doubt in the minds of the diplomatic community here that the question of trade, and the ending of raids and sabotage from abroad, are Dr. Castro's two main objectives in his efforts to explore the possibility of a relaxation of tensions between Cuba and the United States.

Indicating publicly what has privately been taken for granted for some time, Dr. Castro hinted strongly that the Soviet Union had been counseling a bettering of relations with the United States.

"The spirit that has always been shown by the Soviet Union has been to interest itself in the diminishing of tensions and the bettering of relations," he said.

Dr. Castro said that if the United States broke off economic relations with every country that had a Socialist revolution it would eventually be isolated.

SUGAR CALLED A BARGAIN

He said the United States would do much better to buy Cuban sugar than to try to expand the expensive sugarbeet industry. Likewise, there were many things that Cuba needed to buy from the United States.

In this suggestion of something approaching a resumption of the former pattern of trade relations, Dr. Castro said it would have to be on a basis of equality, with no preferential treatment.

If too much time goes by, he warned, Cuba will have acquired firm trading patterns with Eastern and Western Europe and it will be too late to restore trade with the United States, even if relations improve.

Dr. Castro said that at present "the most delicate and grave problem between Cuba and the United States" was the overflights by U–2 reconnaissance planes. Cuba will put her complaint about this before the General Assembly of the United Nations when it meets in November, he said.

He declared repeatedly, however, that although Cuba reserved her right to shoot down the planes, he was convinced that the matter would be settled peacefully. He said that "while we exhaust diplomatic means, there is time left for settlement."

WAITING ON U.S. ELECTIONS

Dr. Castro did not say when or in what form he believed talks with the United States should be held. He has previously indicated his belief that until the U.S. presidential elections are over, it will be difficult to accomplish much.

He made it clear in the interview that he was counting on a victory by President Johnson over Senator BARRY GOLDWATER, Republican, of Arizona, whom he mentioned as the presumptive Republican candidate.

"If there is a desire for talks, a form of holding them will suggest itself," he said. He indicated that these would probably be private, but restated his view that a formal initiative, even if not a public one, should come from the United States since he holds Washington largely to blame for the present state of relations.

The Cuban leader said that, although he would have no objection to diplomatic relations with the United States, he believed these should wait until some issues between the two nations were solved.

"At present the Swiss Embassy is a good channel," he said.

Switzerland handles U.S. interests in Cuba. The Swiss Ambassador, Emil Stadelhofer, who is one of his country's ablest diplomats and has good personal relations with Dr. Castro, has often gone beyond the routine functions of his post to serve as an informal channel for getting Dr. Castro's views to Washington and vice versa.

Dr. Castro said the political climate in the United States would make it difficult for the American people to accept the idea of renewed relations as things stand now. Only when the sharp edges of the quarrel between the two countries are softened somewhat, he indicated would it be possible to take such a formal step.

AID TO REBELS ADMITTED

In an armchair in his woodpaneled living room, Dr. Castro discussed the question of subversion. He has not denied that Cuba has furnished aid to rebels in other parts of Latin America, although European Communist sources here insist that such aid has stopped entirely or almost entirely since the beginning of the year.

Dr. Castro's thesis is that if one side violates an international norm—he holds that the United States has done so by aiding anti-Castro rebels—the other side has a right to do so as well.

"But we could discuss this question with the United States," he said. "If they're ready to live with us in subjection to norms, then we would feel the same obligation."

This would extend not only to banning the supply of arms but to economic aid as well.

"If Cuba should finance a revolution against a government that respects her, it would be a violation of the norm," said Dr. Castro. "If we financed a revolution against a government that did not, it would not be a violation because there would be no norm."

Dr. Castro said Cuba could not agree to withhold "her sympathies and help" from other revolutionary movements. Since, subject to agreement, he had specifically excluded arms and economic aid, it was not clear what kind of help he had in mind.

MUTUAL TRUST ESSENTIAL

Dr. Castro said an agreement with the United States would depend basically "on each side having confidence in the good faith of the other." As to some means of international enforcement, he said.

"I don't exclude it, though I think this could only be discussed once there was a disposition for an agreement itself."

As he talked far into the morning—one of the sessions ended at 5 a.m.—Dr. Castro occasionally hooked a booted leg over his chair arm or rubbed his beard.

At one point Miss Sanchez, a slight, intense woman who has been Dr. Castro's assistant since the days in the Sierra Maestra, had some supper brought in. The Premier ate some olives and sausages and drank a little wine as he talked.

Dr. Castro's disclosure that Cuba would pull back her guards from the Guantanamo line and set them up in protected emplacements seemed to be an extraordinary con-

cession in view of Cuba's strong nationalistic line toward the United States.

The Cubans have charged marine guards with more than 1,600 provocations since October 1962. Most of these refer to alleged rockthrowing or pointing of weapons. But in the last month Havana has charged that two Cuban soldiers were injured by shots from the base. The United States has denied this.

Dr. Castro made a point of emphasizing that he believed Washington had nothing to do with the incidents. He attributed them to the desire of politically motivated officers on the base to embarrass President Johnson.

REDUCTION A GOOD SIGN

He said the reduction in the rate of incidents over the last few days "was a very good sign." The Cubans plan to put up wire barricades and protected posts for their own soldiers several hundred yards back and thus remove, he said, much of the opportunity for casual incidents.

"We're sorry they are forcing us to use equipment and materiel in such unproductive labor," he remarked, "but it is better. It is a moral duty."

Dr. Castro made a considerable point of contrasting the political temper of the Cuban and the American people.

In contrast with Cuba's propaganda, which represents the Americans as victims of warminded leaders, Dr. Castro suggested that popular political prejudices in the United States might be the principal factor to be overcome before agreement could be reached.

"In my opinion," he said, "the U.S. people are far from the world and its problems. In the United States you had a quiet life, except for the Civil War, and you haven't faced what the rest of the world has.

HARD FOR UNITED STATES TO UNDERSTAND

"You are a people that emphasizes work and technical progress. But you don't emphasize social and historical problems, or the political ideas of the world, so it's hard for the United States to understand the Cuban revolution.

"It seems impossible to them that anyone can live any other way than they do. It will be many years before the American people really understand a revolutionary process, but some day this must come."

As for the Cubans, he suggested that they might have a less impassioned view of the United States than the Americans do of Cuba.

"Our people do not hate you. Hatred accumulates when people feel frustrated, hopeless. People here are indignant when there is an attack—but indignation is very different from hatred."

Because of this, Dr. Castro said, it might be easier for him than for U.S. leaders to win acceptance of an understanding. He predicted that an understanding eventually would come.

He remarked that the United States has learned to live as friends with Mexico, having first looked with displeasure on the Mexican revolution in the 1920's and 1930's.

MORE NEWSMEN WANTED

A preliminary means of achieving understanding, he said, might be visits to Cuba by more U.S. newsmen. After 3 years of virtually excluding U.S. reporters, Cuba is now making cautious efforts to get more to come.

Dr. Castro said recently that, however unfavorably visiting correspondents might write, it could not be worse than having the U.S. press rely on exiles' reports.

Discussing the breakdown of relations between the two countries after the revolution, the Cuban Premier said:

"It is not true that these bad relations were completely imputable to either party. There was the passion and extremism that characterizes the initial phase of any revolution, on our part. On the part of the United States there was the great prejudice about revolutions, the inexperience of U.S. political direction in facing the complex problems of the modern world."

Dr. Castro said the United States, as a mature, powerful nation, has a much greater share of responsibility.

"It could be said, however, that both sides did very little to prevent matters from getting where they did," he added.

ALLIANCE FOR PROGRESS HAILED

With the Alliance for Progress, he said, the United States "had at least the guts to confront some of the problems of Latin America, even if its solutions were inadequate."

If the United States had not decided to oppose the revolution, he said, the process might have been gentler, although the goal of a Socialist state would have remained.

He suggested, however, that the Government would not have had to use the same methods, which he admitted were harsh, and that by now discussions might have begun about indemnifying the United States for seized property.

Preliminary contacts are going on with Shell, a British-Dutch company, and with a French construction company, both of which were seized.

HOPE SUSTAINS REBELS

Arguing that armed opposition was largely made possible by U.S. support, or the hope of it, Dr. Castro said that if relations were normalized it would no longer be necessary to keep most of the political prisoners in jail. Then, he said, he would have no objection to releasing them and allowing them to remain in Cuba or go abroad.

Dr. Castro's disclosure on a target date for a constitution is likely to be of great interest. The question of when the Cuban revolution will institutionalize itself is one of those most discussed by Cuban specialists.

By setting a date—and assuming he keeps it—Dr. Castro is giving himself four and a half more years in which to make up his mind as to just what sort of revolution he wants it to be.

No one here thinks Dr. Castro will step down once a constitution is adopted. He may well continue to exercise his present role as head of the Government, the army and the party.

By the adoption of a constitution that will set out the nature of the Government and define its relations with the party, the role of Dr. Castro as shaper as well as leader of Cuban society will, by definition, be curtailed.

AUTHORITY NOW ABSOLUTE

At present, Dr. Castro has the authority, if he wished, to declare Cuba anything from a monarchy to a vegetarian state. With a little preparation, most observers believe, he would have the political power as well.

Dr. Castro said he and the other leaders of the revolution were too busy with other matters—the economy, education, defense—to be able to dedicate themselves now to working out a constitution and the final party structure.

Among matters that would have to be decided, he said, is the form in which the people would participate in the Government—by elections or by other means—and in setting up a structure of local government.

In accordance with the practice in other Socialist countries, Dr. Castro expects that his constitution will assign to the party the supreme role in society, above that of the Government.

Dr. Castro said that before this occurred, "and perhaps soon," a central committee would be appointed by the 12-member national directorate, which he heads. This committee, which will be considerably larger than the directorate, will be the ultimate party authority until the Congress meets, although the directorate will continue to run party affairs, he said.

SMALL FARMERS HELPED

During the interview, and especially during the tours of the countryside, Dr. Castro took pains to stress the special effort made to improve the condition of the small farmers. These cultivate 30 percent of the farmlands; the state cultivates 70 percent.

"We want them to produce more and to prosper," he said. "Their children may prefer socialist forms of production and many may leave the land. But we do not care if they take 20, 30 or 50 years to disappear. The important thing is that they are contributing to the economy."

Dr. Castro disclosed that the second agrarian reform law, passed last year, which was to have taken all holdings larger than 160 acres, exempted about 80 percent of such holdings in the Sierra Maestra and about 25 percent in Havana Province.

Dr. Castro is assigning teams of agriculture students to teach small farmers the use of grasses and fertilizer and to encourage them to raise more dairy cattle.

[From the New York Times, July 6, 1964]

HAVANA SUNDAY: EVEN ZEALOTS TAKE A BREAK FROM REVOLUTION

HAVANA, July 5.—It is hot and bright here today, as it is on any Havana Sunday. The sea sparkles and the city gleams yellow and white and ready for use.

It is a day when the Habanero counts his blessings and resigns himself to making the most of them. It is the day he takes some more of the money he got for selling his aunt's piano—she is in Miami—and catches a bus and goes to the coast to a little restaurant he knows.

Defying the country's agricultural difficulties, the laws of thrift and the Voice of America, he has lunch.

The Havana weekend—an effort to wrest a bit of private solace from a week of public concerns—has many activities but Sunday lunch is the high point. The rest of the week the Habanero complains of strained nerves and an unsatisfied stomach. Sundays he suffers triumphantly from indigestion.

Restaurants are crowded with families devouring pickled fish, potatoes, rice, beef, beer, and jam. There is always food left on the plates: the Cuban has not eaten enough unless he can leave some.

DRAWS FROM SAVINGS

The chief clerk, whose salary is 220 pesos a month (the peso is officially worth $1), pays 25 or 30 pesos for taking out his wife, three children, his mother-in-law, and a poor friend. He pays for it by drawing down the savings account he started years ago to buy a piece of land, and by skimping the rest of the week.

The Government is eager to absorb the extra spending power that Habaneros still have, in order to ease the pressure on the country's limited production. Setting high restaurant prices and counting on the psychological significance of Sunday lunch is one way. Another is the introduction of a revised wage scale that has the overall effect of reducing pay above the lowest brackets.

But it seems unlikely that anything will soon break this middle-class city's habit of saving up for the weekend.

It is fair to say that even those most enthusiastic about the revolution need regular breaks from it. Premier Fidel Castro himself spends many evenings silently watching old movies.

FAMILIES ON WEEKENDS

On weekends the Cuban crowd is composed of families, instead of brigades, work groups and delegations. On Saturdays they fill the nightclubs, which are shabby but loud, or sit on benches around the Parque Central

drinking soda pop and listening to a cornet band.

Sunday mornings they swim off beaches east of the city. To the west, the workers' clubs, with their bit of artificial beach, are also crowded. The adults sit in rocking-chairs four deep and watch the sea. The children paddle and dive from the breakwaters.

In the afternoon some go to the races, others to Coney Island, which has a merry-go-round, a rollercoaster and cottoncandy.

In the evening there are long lines for the old American movies, and shorter ones for those from Italy, France, and Poland. Seats are available any time for Russian and Chinese films.

Later, the seawall along the waterfront drive is dotted with fishermen. They bring bait cans, set out four or five weighted lines, smoke, chat, and stay all night.

[From the New York Times, July 8, 1964]

CASTRO'S OVERTURE

The rapprochement with the United States which Fidel Castro, after many hints, now has proposed openly—and for which he says he would forgo subversion abroad—is encouraging, as is his virtual exclusion of new crises for the moment over American overflights and the Guantanamo base.

In his 18-hour, 3-day interview with our Havana correspondent, Richard Eder, which the Times published this week, Dr. Castro admitted for the first time that Cuba as well as the United States must bear responsibility for the Washington-Havana conflict. His talk of compensation for expropriated American properties, while relegated to the future, recognized these claims as valid. He even praised the Alliance for Progress.

Dr. Castro's timing suggests an attempt to forestall action by the Inter-American Foreign Ministers Conference July 21 that will take up Cuban subversion in Venezuela. But it is likely that there are more important considerations.

The Cuban Premier's offer to halt arms shipments and economic aid to revolutionary movements abroad was conditioned on a halt in foreign—meaning United States—aid to anti-Castro movements. He clearly would like to end the raids and sabotage of exile groups. There also are indications that Moscow, deep in conflict with Peiping and tired of its $1 million a day aid burden, has been pressing Havana to ease tensions with Washington. But Dr. Castro's chief motivation undoubtedly is a desire to end the American boycott, which has intensified Havana's economic problems.

Economic difficulties abound in Cuba. Sugar output has dropped 40 percent below pre-Castro days. Vehicles, spare parts for machinery, consumer goods, and many foods are short. The national income overall has declined 20 percent over the past 5 years. While the American boycott shows no sign of bringing down the Castro regime, it has thwarted development of the country and created major strains. And it now evidently has helped produce Dr. Castro's bid for negotiations.

Washington's skeptical reaction insists on performance rather than talk in terminating Cuban subversion abroad. Havana is asked to end its military ties with and dependence on Moscow. But beyond these oftstated conditions, there is a deep disinclination to agree to the continuation of a Communist state of any kind in the Western Hemisphere.

A modification of this long-established American policy is highly unlikely before the November elections. Whether it becomes an issue afterward probably will depend on Dr. Castro's persistence in pursuing his new conciliatory line.

Meanwhile, it is worth making the effort to find out whether Cuba's Premier really is prepared to halt subversive operations abroad. If a break with Moscow were to be made the precondition for negotiations with Cuba, all chance of a parley would be destroyed before it began, for this is precisely what would have to be negotiated in exchange for a lifting of the American boycott. Elimination of the boycott would, in turn, remove the reason for Havana's economic dependence on the Soviet Union as well as any excuse for military ties with Russia.

The erratic Cuban leader is not a man with whom it would be easy to negotiate. But the offer he now has made is one that at least deserves serious scrutiny and thorough exploration.

[From the Providence Journal, July 7, 1964]

CASTRO'S BID WARRANTS FURTHER REVIEW

Fidel Castro hasn't hollered "uncle" to Uncle Sam, but he whispered something that sounded a little bit like it in a lengthy interview reported yesterday.

Speaking with a restraint toward North Americans that he has not shown since he seized power in Cuba in 1959, Castro made a clear bid for a truce in the hostilities that have ranged on many fronts between Cuba and the United States in recent years. His remarks suggested that two lines of U.S. action against Castro's Cuban communism are beginning to hurt. They are:

(1) U.S. support for anti-Castro groups seeking to unseat the Havana regime.

(2) The U.S. trade embargo against Cuba.

Castro specifically offered to halt material support to Latin American revolutionary movements if we will stop supporting his foes. In return for a resumption of U.S. trade, the Cuban dictator offered to discuss indemnities for seized American properties. He also tossed out a number of other hints and promises that appear to have been carefully designed to try to regain the American good will that Castro once enjoyed and which he has systematically destroyed, by word and deed, over the last 5 years. He promised a constitution for his country by January 1, 1969, and he promised to release most of his political prisoners—if we stop supporting counterrevolutionaries. He even had a good word to say for the Alliance.

It would be rash to leap to conclusions from this one interview with a man who has been anything but clear and consistent in his behavior. Castro's record of betrayal of the ideals of the Cuban revolution—underscored by the recent defection of his own sister; his record of blatant anti-Americanism and of intrigue on behalf of our enemies; his record of conspiracy against other Latin governments—all these are too serious and too recent to be quickly forgotten.

But it would also be wrong to take Premier Castro's reconciliation gesture as a sign our policies have brought him to his knees and as a signal to move in for the kill. Unquestionably, the Havana regime is uneasy about the stepped-up activities of its foes. Undoubtedly, our trade restrictions are hurting—before the revolution, Cuba depended heavily on U.S. trade. The Soviet Union probably cannot offer a satisfactory substitute, especially when it comes to supplying spare parts for the American-built industrial and other equipment which must still make up a large part of Cuba's capital stock. Nevertheless, there is no sign that the Soviet Union is willing to let its Western Hemisphere satellite fall by default. There is still no indication that Castro could be toppled by other than direct American military intervention—a step that no responsible American leader is prepared to take.

We should explore Castro's new mood cautiously, but with the kind of open mind toward new possibilities that Senator FULBRIGHT urged several months ago. Indeed, Castro's remarks may have been prompted by Senator FULBRIGHT's daring suggestion that there is room for accommodation between the United States and Cuba. It is quite possible that Castro is genuinely interested in pulling back from his entangling alliance with the Soviet Union and is wearying of his increasingly futile efforts to stir up trouble on the Latin American mainland. He may be ready to try the role of a Tito. If he is, we should not discourage him.

THE REPUBLICAN CHALLENGE—ADDRESS BY SENATOR KUCHEL AT REPUBLICAN NATIONAL CONVENTION

Mr. KUCHEL. Mr. President, on Monday July 13, I was invited to speak briefly at the opening session of the Republican National Convention in San Francisco. I ask unanimous consent that my comments at that time be included in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE REPUBLICAN CHALLENGE

(Remarks of U.S. Senator THOMAS H. KUCHEL, at the Republican National Convention, San Francisco, Calif., Monday, July 13, 1964)

Mr. Chairman, delegates to the Republican National Convention, my fellow Republicans, ladies and gentlemen, California is honored that our party should choose San Francisco for its convention in 1964, and I am very glad to welcome you to our State and to this city.

Your decisions will be of the most profound importance to the future of our Republic and, beyond that, to the future of mankind. California, now our country's most populous State, has an enormous stake and a lively interest in all that you may do. Republican doctrine, written into law in past years, has helped California to conserve our resources, build our harbors and our highways, expand our education, and irrigate our farms.

Living alongside the Pacific Ocean, and sharing a common boundary with a friendly foreign neighbor, our cosmopolitan, 18 million citizens are drawn from every one of the earth's corners, and perhaps from every blood and faith, and together we share a common pride that we are all free.

Just a century ago, in 1864, your political forbears met in convention in the midst of a civil war. The issue was the American Union—should it remain supreme or should it become subservient? The issue was slavery—should a human being in America be a chattel or should he be free?

The delegates at Baltimore adopted, by acclamation, an American platform dedicated "to the integrity of the Union" and to "the paramount authority of the Constitution and the laws of the United States." It courageously sought an end to slavery. Lincoln was vindicated, and the Union emerged triumphant.

The world has turned over many times since the conflict of the 1860's, but the struggle against slavery, in all its ugly forms, and facets, remains an unfinished task. But the Republican Party, by its solemn word, again and again has rededicated itself to equal treatment and equal dignity before the law for all our people, rich and poor, black and white, Christian and Jew. And in the worldwide fight against the slavery of godless, imperialistic, international communism, Republican platforms and leadership have consistently pledged a strong America so that we shall remain a free America. We have accepted the inescapable duty of leadership in the global quest for liberty, and for peace with justice, where our new-found nuclear power may serve the human race rather than exterminate it, and obliterate the globe.

San Francisco has memories for you as it has for me. Here, "the town meeting of the

world," the United Nations, was born in 1945 to give new hope to a war-weary humanity. Here, that great patriot, General Eisenhower, was renominated by our convention in 1956, to give the country peace and progress for another 4 years.

Republicans, yours is the challenge, to face the dangers and the opportunities, too, of tomorrow. You can rededicate our party to the high road we have been traveling. You can write a platform and select a nominee who will stand before the people and receive their faith. All America fervently prays that you shall have the courage, and the vision, and the wisdom to do the job.

CAPTIVE NATIONS WEEK

Mr. YOUNG of Ohio. Mr. President, in accordance with a resolution of Congress, President Johnson designated last week as Captive Nations Week. Each year this week is set aside to remind all of us who today enjoy the full fruits of freedom of the tragic plight of millions of people deprived of their freedom by Communist aggression in Eastern Europe. Likewise, it is set aside to remind all the people of the captive nations that America continues to support their just and rightful aspirations for freedom and self-determination.

Citizens of nations held captive by international communism have been subject to one of the cruelest colonialisms of all times. Their Communist captors have not only taken from them their land and their way of life, but have also sought to destroy their heritage, their history, and their very spirit. Nevertheless, whereas the Soviet Union has succeeded for the time being in conquering their governments, she has utterly failed to capture their hopes, ideals, and will to be free.

Despite the tyranny under which they live, the people of these hapless nations look to the West as a source of hope and inspiration and to the United States as a friend. This was recently seen by the warm and enthusiastic welcome accorded Attorney General Kennedy by the Polish people on his visit to their country. Wherever he went, crowds cheered our Attorney General despite the fact that such demonstrations are discouraged by the Polish Communist government and the visit, itself, was ignored and unpublicized by that government in its state-controlled newspapers and broadcasts.

In recent years we have been encouraged by signs of increased independence among Communist bloc nations. Indications are that the widely reported ideological split between the Chinese Communists and the Soviet Union is increasingly bitter, deep, and permanent. World communism can no longer pretend to be a monolithic whole unalterably dedicated to the forceful destruction of the West. As a result, actions in Prague, Budapest, Warsaw, and other capitals of captive nations of Eastern Europe can no longer be completely controlled by the push of a button in Moscow. We must encourage and exploit this trend.

During the past few years our communication and commerce with captive nations has increased greatly. We have entered into trade agreements regarding nonstrategic materials with the more "independent" satellites. These agreements are to our advantage. They result in better business for American workers and businessmen and help to bolster the independence of these nations from their Communist captors. I am confident that commerce between our nations will grow, as will the consternation of Moscow at these developments. So long as people are held captive under the heavy yoke of communism, our efforts to enhance their freedom should be endless.

It would be well for all Americans to remember that our bonds with the captive nations of the world go far beyond mere bonds of sympathy. Many citizens of these lands have migrated to our shores and made outstanding contributions to the growth and greatness of our Nation. In addition, our ideals of freedom and justice have become a part of their heritage, as, indeed, of that of all mankind.

The right of national self-determination is an established principle of international justice. It is the cornerstone of our foreign policy. Throughout our history we have opposed the domination of one country by another. Observance of Captive Nations Week is another manifestation of this opposition. By keeping alive the concept of freedom in the hearts and minds of men everywhere, we are fulfilling a small part of our great obligations as a leader for freedom, liberty, and justice in the world.

MAIL COVERS

Mr. LONG of Missouri. Mr. President, on March 11 of this year I introduced a bill, S. 2627, to prohibit a procedure of the Post Office Department known as a "mail cover." Before the attention of the public was drawn by the publicity of the Cohn case, few Americans were aware of this dubious form of invading their privacy. Since then, reaction to the device has been increasing.

Recently, the Kansas City Times published an editorial concerning mail covers which I think represents the concern of the majority of our citizens toward the unregulated use of this device.

Mr. President, I ask unanimous consent that the editorial of the July 16 Kansas City Times be printed in the RECORD.

There being no objeciton, the editorial was ordered to be printed in the RECORD, as follows:

[From the Kansas City Times, July 16, 1964]

THE DIFFICULT QUESTION OF "MAIL COVERS"

The Post Office Department has isued an informational directive on "mail covers" following the recent Roy Cohn fuss. Cohn, the controversial aid to the late Senator Joseph McCarthy, discovered by accident last February that he was the object of a mail cover. The Department defines it this way:

"A mail cover simply consists of recording from each piece of mail the name and address of sender, date and place of postmarking, and class of mail. Only the material appearing on the wrapper is noted. In no case is mail delayed or opened during a mail watch."

The Post Office Department explains further:

"Except in cases of fugitives, a request for a mail cover must be approved by the postal inspector in charge, who is directly responsible to the chief inspector for his action. Only requests from bona fide law enforcement agencies are honored."

Senator EDWARD V. LONG, Democrat, of Missouri, has introduced a bill that would make mail covers illegal. The Senator calls it an "espionage procedure" in which "the full power of the Government is brought to bear on the individual."

No doubt the device of the mail cover is very convenient for law enforcement agencies and the Post Office Department probably is very circumspect in its use. But perhaps something more than expediency and caution is involved.

So far as the individual citizen is concerned, taxes paid in support of the Post Office Department are paid for a service, not for the dubious privilege of having his mail checked and information passed on to the FBI, the local sheriff or the chief of police. Whether the fifth amendment and self-incrimination are involved might some day be a question for the courts.

If mail covers are essential in the enforcement of the law, then a more proper procedure might be the requirement of a court order to institute them. A judge might be a better authority to make the decision than a policeman and a postal inspector.

THE MORMON TABERNACLE CHOIR

Mr. CHURCH. Mr. President, on this Pioneer Day, the 117th anniversary of the arrival of the Mormon pioneers in the valley of the Great Salt Lake, it is most appropriate to take note of another anniversary this month, that of the world-renowned Mormon Tabernacle Choir.

Yesterday, it was my great pleasure to hear this 375-voice choir sing at the White House, for President Johnson and his guests. The moving performance served further to confirm my opinion that the Mormon Tabernacle Choir is the greatest choral group in our country, and probably in the entire world.

Several of my friends have commented on the pleasure it has given them to listen to a live performance of the tabernacle choir. Fortunately, many people in the East will have an opportunity to hear the tabernacle choir in concert during the next few days. The choir is currently on the 20th tour it has taken during its long, ovation-filled history. In the past few days, concerts have been given at Houston, New Orleans, and Atlanta; and another will be performed today at the World's Fair. The choir will go from New York City to sing at Rochester, Cleveland, Milwaukee, and Minneapolis. En route, the choir will see a performance of the famous Mormon Pageant on the Hill Cumorah, near the boyhood home of Joseph Smith, at Palmyra, N.Y.

The tabernacle choir is a most unusual group, especially for a choral organization of its massive size. All the choir members serve without pay; many commute from towns far from Salt Lake City, to attend two or more weekly rehearsals, broadcasts, and recording sessions.

The spirit of dedication and service which these choir members continually display illustrates the spirit of the entire

Church of Jesus Christ of Latter-day Saints. Unlike most denominations, the Mormons have no paid clergy; all the clerical and organizational positions are filled by laymen. Moreover, the activities of the Mormon Church are broad in scope. Their youth, recreational, and social-service groups are the pride of all who know them.

Not only do Mormons give generously of their time to church activities, but they also give generously of their wealth. Like the early Christians, every good Mormon tithes, giving a tenth of his income, before taxes, to his church. In addition, Mormon families help maintain their sons and daughters as missionaries throughout the world. These fine young people give 2 years or more of their lives to perform monetarily unremunerated service for their church and for the principles in which they believe.

The tabernacle choir exemplifies a significant Mormon contribution to our Western States—adding to the cultural activities of our area. The Mormon people and their church have done much in promoting musical, educational, and artistic interests in the intermountain West. In the fields of choral and instrumental music, the theater, ballet, and the dance, the Latter-day Saints have enriched the life of our area. For instance, I know of no other city of comparable size in all America which is such a noted center of the performing arts as is Salt Lake City, the capital of Mormon country.

As a Senator from Idaho, it is entirely natural for me to dwell upon Utah institutions and to pay my tribute to groups such as the Mormon Tabernacle Choir, since there is a close feeling of unity between the people of Idaho and the people of Utah. Today is Utah's day at the World's Fair; today is also Pioneer Day in both Idaho and Utah. It is fitting that today we join in paying our respects to the Mormon pioneers and to their accomplished decendants.

CAPTIVE NATIONS WEEK

Mr. SCOTT. Mr. President, last week our Nation commemorated the sixth observance of Captive Nations Week. This anniversary should serve as an effective reminder of the continued presence of Communist tyranny throughout the world.

Over 25 sovereign nations now lie behind the Iron Curtain. The list includes Lithuania, Latvia, Estonia, Poland, Hungary, East Germany, Czechoslovakia, Rumania, mainland China, and Cuba.

These countries are the victims of Communist treachery. The Communists used force and subversion to bring them into the Red orbit, and then ruled with troops and guns. Government by choice was replaced by government by decree.

But murder, torture, and imprisonment did not crush the spirit of the people of the captive nations. In East Germany, Poland, and Hungary, men, women, and children sacrified their lives in futile attempts to rid their countries of Communist dictatorship. And in Berlin, the Communists had to build a wall to hold back the thousands who preferred liberty to slavery.

We who are free do not forget the people of the captive nations. Their suffering is our suffering. Their hopes are our hopes. We know that someday they will again be our partners in freedom.

SECRETARY OF LABOR WIRTZ URGES NEW IMMIGRATION LAW

Mr. HART. Mr. President, a year ago, on July 23, 1963, President Kennedy sent to Congress a historic message recommending the removal of the national origins quota system from our basic immigration law. It was my privilege to introduce the bill (S. 1932) to carry out the recommendations of the President, and 26 Senators from both sides of the aisle joined in cosponsoring the bill.

In the past several weeks I have invited the attention of my colleagues to statements in support of the bill by Secretary of State Rusk and Attorney General Kennedy before a House subcommittee. Earlier today, Secretary of Labor Willard Wirtz added his support to the bill, and testified on the economic benefits of the proposed legislation.

President Johnson and his administration are to be commended for their firm leadership in a significant area of public policy.

I ask unanimous consent that Secretary Wirtz' timely statement be made a part of my remarks at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF W. WILLARD WIRTZ, SECRETARY OF LABOR, BEFORE THE SUBCOMMITTEE ON IMMIGRATION AND NATIONALITY, HOUSE JUDICIARY COMMITTEE, ON H.R. 7700, AMENDING THE IMMIGRATION AND NATIONALITY ACT, JULY 23, 1964

Mr. Chairman, I am grateful for this opportunity to testify in support of H.R. 7700, a bill designed basically to eliminate the discriminatory national origins system from our immigration law.

In the 40 years since that law was enacted, the position and the responsibilities of the United States in the world arena have changed dramatically. All of mankind are now acutely sensitive to the basic and fundamental differences between those systems of government that are dedicated to the freedom of man and those which are bent upon his enslavement. To the citizens of the free world and to millions of persons imprisoned behind the walls of totalitarianism, the United States has become the symbol of hope that the dignity of every individual person will some day be accorded equal respect by all others, regardless of the individual's ethnic or national origin.

In these 40 years the common catastrophe of war and the bitter struggle against the corrosive forces of communism have forged a new unity of interest among the peoples of the free nations. We are joined with the people of Asia, Africa, Europe and our own hemisphere in preserving democracy as a political and social institution.

In this contemporary setting, the discriminatory features of the 1924 immigration legislation are anachronistic.

The historic Civil Rights Act of 1964 brings one part of our law in line with the dictates of our conscience that discrimination has no place in a free and democratic society. It enunciates the vital principle of equal recognition, equal status, equal opportunity, and equal protection for all persons without regard to race, creed, color, or national origins. The discriminatory features of the national origins quota system, still a part of our immigration laws, is inconsistent with this vital principle.

"The use of national origin quota systems is without basis in either logic or reason. It neither satisfies a national need nor accomplishes an international purpose." This was President Kennedy's appraisal.

President Johnson has summed up the situation in forceful terms: "In establishing preferences, the Nation which was built by the immigrants of all lands can ask those who now seek admission, 'What can you do for your country?'; but we should not be asking 'In what country were you born?'"

The inequities and the discriminatory aspects of the present immigration legislation have been described by other witnesses before this committee. Remedial legislation is long overdue, and section 201(a) of H.R. 7700 represents a sound approach to the problem. It provides for the elimination of the national origin quotas over a 5-year period. Though it retains a 10-percent annual limitation on the admission of immigrants from any quota country, the pool of 164,200, subject to certain family and occupational preferences, will be used on a first-come, first-granted basis.

My testimony, as Secretary of Labor, is most appropriately addressed to the effect of H.R. 7700 on the work force in this country. Against the overall annual average quota of 155,600 an average of 97,500 quota immigrants were admitted during the years 1958 to 1962. It is anticipated that the enactment of H.R. 7700, in its present form, would result in the admission in 1969 of the maximum permissible number, or an increment of approximately 61,700. It is likely that, in addition, an annual average of 5,000 refugees may come in.

Of the 97,500 average admitted to the United States under present provisions, an estimated average of 48,600 entered the labor market during the period 1959 through 1963. Our best estimates, which of necessity exclude refugees whose characteristics and origin are indeterminate, are that under the revised system an additional 23,150 would be added to the labor force.

When measured against a projected total work force of 79 million in 1969, the first year in which the total quotas would be pooled, it becomes apparent that the impact from the additional number will be insignificant. The ratio of 23,150 new immigrant entrants into the labor market, under the proposed new system, to the total U.S. work force would be about 1 to 3,000.

The preference categories which would be established under this bill would serve a humanitarian purpose by facilitating the uniting of families kept apart by the narrower provisions of the present law. At the same time they would bring to our shores a number of immigrants whose talents, training, education, and skills will, in a historic pattern, contribute immeasurably to the enrichment of the culture and to the continuing progress and advancement of this country.

In the late 19th and early 20th centuries the flow of immigrants into the United States helped satisfy the labor needs of our developing industries such as coal mining, apparel, and transportation. In contrast, a greater percentage of immigrants entering this country during the past two decades have been professional and technical-worker category.

Under the present law, approximately 8,600 quota immigrants entering the labor market are craftsmen, foremen, and kindred workers. The proposed revision would bring this category up to about 13,800, representing about 1 of every 5 worker immigrants.

We have benefited greatly from the diversified education, training, and knowledge

brought here by immigrants. During the 1952–61 period, the United States profited when some 14,000 immigrant physicians and surgeons and about 28,000 nurses helped alleviate the shortage of trained personnel in the critical medical field. Some 4,900 chemists and nearly 1,100 physicists contributed their technical know-how to industry and Government. Fifteen of the U.S. Nobel Prize winners in the field of chemistry and physics were foreign born.

More than 12,000 immigrant technicians, the vitally needed men and women who assist and support scientists and engineers, were also admitted during the 1952–61 period. About 9,000 machinists and 7,000 tool and die makers added their skills to our supply of craftsmen.

It must be kept in mind that whatever the skill, training, or education of any immigrant, preference or nonpreference, from quota or nonquota countries, no visas are issued by the Department of State for permanent admission to the United States unless the immigrant can satisfactorily demonstrate that he will not become a public charge.

The amendment proposed by H.R. 7700 would benefit the United States in two respects. First, under the present immigration law persons who could qualify under the first-preference provision are admitted upon the petition of an employer. The employer must, however, satisfy the Attorney General that the immigrant's services are "urgently needed" in the United States because of his high education, technical training, specialized experience, or exceptional ability. The proposed amendment would remove the requirement of employer petitions and require the Attorney General to determine whether the admission of the immigrant applicant would satisfy the terms of the first-preference category, that is, would be "especially advantageous." This means a first preference immigrant applicant could be admitted without waiting for a specific job offer. He would merely have to satisfy the Attorney General that he meets the eligibility requirements for the first-preference category. This would facilitate the admission of larger numbers of such highly skilled persons into the United States.

Secondly, H.R. 7700 would establish a subsidiary fourth-preference category for qualified quota immigrants capable of filling particular labor shortages in the United States. Under present law, if an immigrant does not meet the standards of the highly skilled specialist category of the first preference, he is given no preference at all over any other immigrants even though there is a need in the United States for persons possessing his occupational skill.

Thus, under H.R. 7700, the quota system would be better attuned to the needs and welfare of the United States. An individual with needed skills from a country which presently has a very limited quota would no longer find his admission barred by the limitation of national origin.

Under the present Immigration and Nationality Act, the Department of Labor is charged with the responsibility of protecting U.S. workers from unfair competition from aliens seeking to enter the United States for employment. Applicants for immigrant visas who will be entering the labor market become excludable aliens if the Secretary of Labor certifies that domestic workers are available to perform the work which would be performed by the alien or if the alien's employment in the United States would adversely affect the wages and working conditions of our own workers (section 212(a)(14)). Because of the Department's special interest and experience in this area, we expect that its role in this respect will continue to be an important one.

In closing, Mr. Chairman, I state again the conviction that these changes will best serve the interest of the United States. They will comport with the basic principles to which we are so fully committed in the free world's critical effort to give meaning to our central proposition that all people are created equal.

LUCILLE B. WENDT

Mr. HART. Mr. President, the death, yesterday, of Lucille B. Wendt takes from public service a valued and effective citizen.

Mrs. Wendt played a leading role in the drug hearings of the Subcommittee on Antitrust and Monopoly which resulted in the passage of the Kefauver-Harris legislation in October 1962. A bacteriologist, patent expert, and lawyer, she was serving as a patent examiner on drugs in the Patent Office when the subcommitttee borrowed her services in early 1958. Throughout the course of the subcommittee's work on drugs from 1958 through 1962, she served as its chief technical expert. In the highly complex structure of private brand names, generic names, chemical names, and varying chemical formulas for molecular modifications of basic drugs, Mrs. Wendt moved with unerring accuracy. To all of this work she gave the subcommittee the benefit of her wide knowledge, remarkable intelligence, and perspective on the drug industry's trade practices.

Mrs. Wendt never looked the part she played. A slight person, rather fragile in appearance, immaculately groomed, and beautifully dressed, she always looked as if she were about to attend a ladies' bridge club, rather than to plunge into the intricacies and technical complexities of the drug industry. Indeed, I suspect that she took delight in giving this superficial impression. But when the tough questions arose—and they insistently appeared at each step in the investigative process and in the hearings, she showed her remarkable grasp of the problems, her penetrative intelligence, and her great capacity for objective appraisal of the industry's activities.

Mrs. Wendt also had an important part in the subcommittee's work on thalidomide, the drug causing deformities in unborn babies. At the conclusion of the hearings, she devoted several weeks to collection and analysis of the data on this drug, which subsequently was released by Senator Kefauver, then chairman of the subcommittee. Later, she went to the Public Health Service, where she was working at the time of her death.

Frankly, I find that one of the rewards of working in Congress is the contacts with the corps of highly trained men and women in Government service who are using their talents on the side of the public interest. As in the case of Mrs. Wendt, many of these persons stay in the Government at fractions of the income they could secure in private industry. They stay because they like it, because the work is exciting and challenging, and because the Government has great need of their skills.

Mrs. Wendt's death is a loss to all members of the subcommittee, who knew her and admired her great ability. Her death depletes the reservoir of talent in the Federal Government devoted to the important task of protecting the health of the Nation.

I ask unanimous consent to have printed at this point in the RECORD the obituaries published in the Washington Post and the Washington Evening Star.

There being no objection, the obituaries were ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 23, 1964]

LUCILLE WENDT, U.S. SCIENTIST

Lucille B. Wendt, a bacteriologist, chemist, and lawyer who served with the Senate Subcommittee on Antitrust and Monopoly, died yesterday at Doctors Hospital of a respiratory ailment. She was 54.

Mrs. Wendt joined the subcommittee as an adviser on chemistry, bacteriology, and pharmacology in 1957 after working for 14 years with the Patent Office.

"She played a key role in the 1959–60 subcommittee investigation of the drug industry," said John Blair, subcommittee chief economist.

"Mrs. Wendt had a tremendous knowledge of problems in the complex and rather diverse fields of law and physical sciences, and was able to relate questions in one field to the other," Blair said.

In his 1964 New Yorker articles on the drug investigation, Richard Harris called Mrs. Wendt a "triple-threat member of the team."

She held a bachelor of science degree in chemistry and bacteriology from South Dakota University and a law degree from George Washington University.

In 1962 she prepared a dossier on the side effects of the drug thalidomide simultaneously with research by Dr. Frances O. Kelsey.

When the thalidomide question became public in July 1962, she turned over this dossier to Senator Estes Kefauver who made it public—a step leading to the ban on use of the drug in the United States.

Mrs. Wendt was born in South Dakota. She moved to Richmond in 1943 after her marriage and came to Washington in 1946. She joined the U.S. Public Health Service as a patent analyst and attorney in 1962.

She was the author of several technical treatises and belonged to the American Patent Law Association and the Federal Bar Association.

She is survived by her husband, Morten, of 6500 Little Falls Road, Arlington; two brothers, Frank Burd, of 3924 Longfellow Street, Hyattsville, and Paul Burd, of Minneapolis, and a sister, Mrs. Robert Jones of Briarcliff Manor, N.Y.

[From the Washington Star, July 22, 1964]

MRS. LUCILLE B. WENDT, DRUG PROBE AID, DIES

Mrs. Lucille Burd Wendt, 54, a bacteriologist, chemist, and patent lawyer who served as consultant to the Kefauver committee's investigation of the drug industry from 1957 to 1962, died from a lung infection today in Doctor's Hospital.

Mrs. Wendt served as technical consultant to the Kefauver committee—the Senate Antitrust and Monopoly Subcommittee—on patent law, chemistry, bacteriology and biology. In 1962, during the investigation, she prepared a dossier on the side effects of the drug thalidomide simultaneously with research by Dr. Frances O. Kelsey, then an examiner in the Food and Drug Administration, that led to a ban on use of the drug in the United States. In Germany and other European countries, the drug, when used by pregnant women, had in some cases resulted in deformed babies.

RELEASED FINDINGS

The late Senator Kefauver released Mrs. Wendt's dossier on July 16, 1962, the day after news of Dr. Kelsey's action was made public.

Born in South Dakota, Mrs. Wendt studied at the University of South Dakota and in 1951 received a law degree from George Washington University, where she also did graduate work in chemistry and bacteriology.

She joined the U.S. Patent Office as an examiner on biochemical products and processes in 1943. The Federal Trade Commission borrowed her for a study on antibiotics in 1956, and in 1957 she joined the staff of the Kefauver committee.

When the Kefauver committee finished its study of the drug industry, which culminated in passage of the Kefauver-Harris drug bill, Mrs. Wendt joined the U.S. Public Health Service, as a patent analyst and attorney. She studied Federal policy toward patents stemming from Government research.

WORK IS PRAISED

Of her work for the subcommittee, Dr. John Blair, chief staff economist, commented:

"Mrs. Wendt was a walking encyclopedia on most of the technical matters involving complex issues of law and the physical sciences involved in the drug industry. She knew or could find answers to the most difficult scientific questions. Her technical competence was highly regarded not only by her associates but by those who were being investigated by the subcommittee itself."

Mrs. Wendt was a member of the Patent Law Association, the Federal Bar Association, the American Law Association, and Kappa Beta Pi legal sorority.

Her husband, C. Morten Wendt, is supervising examiner in the Patent Office's Trademark Division. He lives at 6500 Little Falls Road, Arlington, Va.

She leaves two brothers, Frank, of 3924 Longfellow Street, Hyattsville, Md., and Paul, of Minneapolis, Minn.; a sister, Mrs. Robert Jones, and her parents, Mr. and Mrs. Leo Burd, of Briarcliff Manor, N.Y.

Funeral arrangements have not been completed.

POEM ON THE OFFICIAL TRANSFER TO THE DEPARTMENT OF THE INTERIOR OF DEED TO THE HOME OF FREDERICK DOUGLASS

Mr. HART. Mr. President, on June 25, I participated in a ceremony at which the deed to the home of Frederick Douglass, the great Negro abolitionist and statesman, was transferred to the Department of the Interior.

Following renovation of the house, atop a hill on Southeast Washington, it will be open to the public, as a part of the National Capital parks system.

At the ceremony, it was my privilege to read from a prose poem written for the occasion by Mr. Jack LaZebnik. Mr. LaZebnik, Michigan born and educated, is an author and student of the times of Frederick Douglass, and now teaches at Stephens College, in Missouri.

I ask unanimous consent that Mr. LaZebnik's prose poem be printed at this point in my remarks in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

FOR THE OFFICIAL TRANSFER OF THE FREDERICK DOUGLASS HOME TO THE U.S. DEPARTMENT OF THE INTERIOR

(By Jack LaZebnik)

We make memory here; we bring it out of decay, of neglect. At last this house becomes the history waiting within it for a hundred years. A hundred years ago, the structure stood entire—the emanicipation proclaimed, the war won, the freedoms put to words. And they were beautiful—the words, the house, the creation of the American in the Negro. But when beauty stands still, it fades. When freedom does not march, it falls to stone and weed upon a dying hill. And so a century of disuse has wasted the handsome, old house upon its premises of free days. But we are here to make it beautiful again.

This creation of Frederick Douglass rose with him, like his life, from bought clay to the brick and board of a man. The man and the house grew as models for the people, the living, lasting struggle from slavery to dignity. And here, from this classic balance, he looked upon the promises that height commands. From his strength of column and cornice and joist, he called to every newly born man to take "moral courage, large faith in the power of truth, and confidence in the enlightenment of the people." And the house gathered the idea about it in great beauty: the muscular trees gripped their ground as if it would move.

A hundred years of root. Frederick Douglass has remained here like a stone among the weeds: firm, fast, and nearly covered over. He and his house have lingered upon the edges of American life, just as the Negro settlements have clung to the closing lots at the back of citizenship. There, they crumble. For buildings and people must have entrances and exits, within and without; closed doors make haunted houses. For 100 years, emancipation fell to rot; these boards cracked and the columns chipped and the mortar split between the bricks. The place became a site of memory. In 100 years, the beauty of promises grows old. The house endured, like the people, unclaimed. The brave few hacked at the ignorant weeds and tried to keep up appearances. Beyond the river, the white buildings flourished; the new bridges joined the banks but not the people. Separation, said Frederick Douglass, is death. The unchanging life is a form of slavery.

And so this house, like its people, decayed in its earth. The framework survived, like the people, from the sudden moment of dignity at its making, through the feeble, forgotten years—the 100-year war of hopes—age drying up the time in the long and weary waiting. The house—the vacancy of its owner, an overwhelming loss—looked hollow, like a tomb.

But we are here to open it. We are here to celebrate a resurrection of action—not to chant a Lazarus lament of dread and shame, but to revive the high thrill of Frederick Douglass singing people into freedom. We come to open the doors and let in the life. The sighing, shuffling, waiting age is over. As if the stone, the tree, the root, the house have broken free from death, and the new generations have awakened to the old sounds, the old promises, and rise from neglect in the corners of America. The old becomes the new; such is a definition of beauty.

Thus, Frederick Douglass did not die at his death. Like any freeman, he practiced life to the last instant of it, and, like any great artist, he continues in his works. This house, a part of him, holds more than the memory we give to it; this high place of dignity illustrates the man, raises him, prolongs him. It looks upon a change that he struggled to see—in that other house on that other hill. At last, the locks within fall open—by knowledge, by vote, by law, by the realization that the ideas Frederick Douglass claimed are come alive. At last we know that tradition means not shutting away promises, but keeping them.

Now we join to open this house that should never have closed. And we open it in the widest sense, doors, hearts, and minds: we proclaim a white emancipation. For all our sakes, thank God we have come alive. "This is scarcely a day for prose," Frederick Douglass said upon Lincoln's Proclamation. "It is a day for poetry and song—a new song." The poem of this house meets that demand. We are ready to sing it.

HURON PLAINSMAN CALLS FOR RECONSIDERATION OF MILITARY DRAFT

Mr. McGOVERN. Mr. President, I am proud to be a cosponsor of S. 2960, a bill to require the formulation of an alternative to the draft, in order to meet the Nation's need for military manpower. The Senator from Wisconsin [Mr. NELSON], the principal sponsor of the bill, has given many good reasons why we should seriously consider alternatives to the draft.

The Daily Plainsman, of Huron, S. Dak., recently endorsed the idea of a new and closer look at the present system of compulsory military service. Its editorial, published on the 21st of July, is an excellent statement of the situation which gave rise to S. 2960. It expresses a concern that I believe is shared by most of the people of our Nation. Americans have been quick to respond in time of need; and our young men have fought valiantly in many wars. But America is traditionally opposed to the concept of compulsory military service, and this opposition lies deep in the souls of most of our citizens. We ought to avoid such compulsion if we can secure our needed military manpower by voluntary means.

I ask unanimous consent that the Daily Plainsman's fine editorial, entitled "Universal Military Training Isn't Universal in Its Effect" be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

UNIVERSAL MILITARY TRAINING ISN'T UNIVERSAL IN ITS EFFECT

A long overdue review of military conscription, which has provided the incentive for enlistments and filled the manpower needs of the Army for almost 20 years, should be undertaken this year.

The review—urged for several years by critics of the Universal Military Training Act—may take the form of either a Defense Department study or a congressional commission probe.

With the apparent support of Defense Secretary Robert McNamara who has favored a Pentagon rather than congressional study, Senator GEORGE MCGOVERN has coauthored a resolution calling for a Defense Department review of the inequities in the application of the UMT law.

The most glaring fault in the present system is that it is far from universal, affecting only about half of the nine million men registered for Selective Service. Critics maintain that with only half of the eligibles seeing service, either as volunteers or as draftees, the present law is far too selective.

Each year 1.1 million men reach their 26th birthday which is the pass gate into relatively draftproof status. Reasons for this status at this age include UMT policies which defer married men and college students and the high standards for physical fitness which are designed to screen out those who might not be able to survive the rigors of combat conditions.

Into the draft pool come 1.4 million men each year, an influx which will increase to 1.9 million in 1966. From this pool the military draws sufficient numbers to make up the

difference between their needs and the voluntary enlistments. The Navy, Air Force, and Marines are able to fill their manpower needs through enlistments, leaving only the Army for draftees.

The operation of the present draft law plunges all young men into years of uncertainty. Many of them start their careers with the sword of possible service hanging over them. And their employers, too, face the uncertainty of not knowing whether an employee will be called away for the 2 years of service during which time the business firm must keep the job open.

This uncertainty will be lifted for the 27 percent who fail to meet the high health standards by a recent revision of selective service regulations which calls for immediate examination of all registrants at the age of 18 instead of waiting for their number to come up in the draft file years later. Those who fail the examination will know they have beaten the draft.

It is apparent that the present operation of UMT is far from universal and the high ideals of a trained civilian militia envisioned in the 1948 act are not being attained. The United States should explore the need for the draft before the present law expires in 1967.

Only when Congress has all the facts before it, can it make a meaningful decision on the extension of UMT instead of continuing to grant perfunctory renewal which has been the case in the past.

PROPOSED EXEMPTION OF PRODUCTION, GATHERING, AND SALE OF NATURAL GAS FROM REGULATION BY FEDERAL POWER COMMISSION

Mr. CARLSON. Mr. President, many problems affect the production of oil in the midcontinent field. As a result, the exploration and production of oil in this section is being greatly reduced. Oil production in Kansas is limited by these deterrents on the exploration, production, and distribution of oil.

The present policy pursued by the Federal Power Commission in a recent regulation in regard to the price of natural gas at the wellhead is causing further hardships for the oil industry.

I ask unanimous consent to have printed in the RECORD a resolution approved by the Kansas Petroleum Industries Committee on July 17, 1964, and a resolution adopted by the Kansas Oil Men's Association at a meeting in Wichita, Kans., on July 10, 1964.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

Whereas, under a 1954 decision of the Supreme Court of the United States interpreting the Natural Gas Act, competitive producers and gatherers of natural gas have been brought under Federal regulation and have been assigned utility status as regards natural gas that enters interstate commerce; and

Whereas it is the opinion of this body that the extension of Federal regulation to competitive producers of raw products—whether such raw product be natural gas or some other product—and the assigning of regulated utility status to the producers of such products, is a policy contrary to the true American political philosophy and competitive free enterprise in this country; and

Whereas it is also the opinion of this body that the continuance of such a policy of regulation will soon result in a scarcity of natural gas for export from producing States to consuming States as well as for local use in producing States, and will further result in an increase in price to ultimate consumers as to that natural gas which is available to consumers; and

Whereas it is further the opinion of this body that unless the Natural Gas Act is amended so that producers and gatherers of natural gas may freely compete free from Federal regulation and thus produce an adequate supply of natural gas for both interstate and local movement, the citizens of these United States will be severely hindred in their efforts to obtain natural gas as a fuel: Now, therefore, be it

Resolved by the Kansas Petroleum Industries Committee, in regular meeting assembled at Wichita, Kans., on July 17, 1964, That it is their belief that the production and gathering of natural gas, including the sales thereof in the fields where produced, should be conducted on a competitive basis free of Federal regulation, so that the people of the State of Kansas, and of other States, will not be denied the opportunity of obtaining an adequate supply of natural gas at a reasonable price due to scarcity of supply; be it further

Resolved, That this body hereby goes on record as calling upon the representatives of the State of Kansas in both Houses of the Congress of the United States to urge and support the passage of corrective legislation which will specifically and clearly exempt the production and gathering of natural gas and the sale thereof by producers and gatherers from Federal regulation by the Federal Power Commission or any other Federal agency.

In 1954, the Supreme Court of the United States held that sales of natural gas by producers and gatherers to purchasers who transport the gas in interstate commerce for resale are subject to regulation by the Federal Power Commission under the terms of the Natural Gas Act.

The Federal Power Commission, as a result of such decision, asserted control over the price at which natural gas subject to its jurisdiction may be sold by producers and gatherers, and over the production and gathering of natural gas in the field.

It is not believed that it was the intent of Congress—in enacting the Natural Gas Act in 1938—that the production and gathering of natural gas or the sale thereof by producers and gatherers should be regulated by the Federal Power Commission.

The production and gathering of natural gas, in contrast with the interstate transportation and local distribution of natural gas, is not in fact a monopoly or a public utility operation, but, on the contrary, is a risk-taking, highly speculative and competitive business conducted by many thousand producers who compete with each other in acquiring and marketing natural gas which, in turn, competes as a commodity with other fuels not regulated.

It is in the public interest and essential to the national security that the production and gathering of natural gas and the sale thereof should be left to the forces of supply and demand consistent with our Nation's fundamental philosophy of competitive free enterprise.

The Federal regulation of production and gathering of natural gas and the sale thereof will inevitably result in retarding exploration for and production of natural gas, in conflicts with State regulatory measures for the production and conservation of oil and natural gas, and in a shortage of available supplies of natural gas for the consuming public, all contrary to the national interest: Now, therefore, be it

Resolved by the Kansas Oil Men's Association, assembled in regular meeting in Wichita, Kans., on July 10, 1964, That this organization does hereby recommend and urge that the Congress of the United States enact at its next session appropriate legislation to clearly exempt the production and gathering of natural gas and the sale thereof by producers and gatherers from regulation by the Federal Power Commission; be it further

Resolved, That a copy of this resolution be transmitted to the U.S. Senators and the Members of the House of Representatives from the State of Kansas.

THE ATTACK ON MISSISSIPPI

Mr. STENNIS. Mr. President, recently I addressed the Senate several times regarding the invasion of Mississippi by uninvited racial agitators and students.

While many of the college students involved in this so-called "crusade" may believe their mission to be a patriotic one, those sponsoring the drive have made it clear that their real purpose is to stir up strife, create turmoil, and provoke violence in the hope that they could get Federal troops sent to Mississippi. Thus, they can succeed in their real purpose only if widespread violence occurs.

It is unfortunate that people over the Nation have not been given the true facts about Mississippi.

In the far away State of New Hampshire, the Manchester Union-Leader, the largest daily newspaper in that fine New England State, has published a very perceptive and understanding editorial entitled "Attack on Mississippi."

Because this editorial sets forth the facts which I have so often brought to the attention of the Senate, I am pleased to offer it here so that members of the Senate may have an opportunity to read what a New England editor has to say about the situation in Mississippi.

I ask unanimous consent that this editorial from the July 18, 1964, issue of the Manchester (N.H.) Union-Leader, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ATTACK ON MISSISSIPPI

It is becoming increasingly more difficult to make a fair evaluation of the situation in Mississippi because so much of the coverage of events there has ceased to be factual news reporting and has instead turned into an attack upon the State.

Hysteria is replacing reason in evaluating the racial difficulties in Mississippi. Newspapers are carrying viciously distorted reports about the State. A leading magazine, which likes to boast about its alleged objectivity, noted sarcastically that Mississippians attend churches more often than they burn them and was even so silly as to refer to its girls as "gum-chewing debutantes." A major television network canceled an hour of prime viewing time in order to run a bitter indictment of the State. This sort of thing, of course, does not help the situation.

The time has come to put the Mississippi matter into proper perspective by facing up to some stark facts.

It is—let's face it—imprudent for civil rights workers to be trying to cause what they like to refer to as "a long, hot summer of discontent" in Mississippi. By doing so they are unwisely inviting violence and risking lives, just as Mississippians would be doing if they were to take it upon themselves to go to Harlem to crusade against the Negro terrorism in that area.

It is hypocritical for so many northerners to express so much concern over racial disorder in Mississippi and at the same time ignore it or try to rationalize it when it occurs in their own backyard. When Negro gangs recently began a wave of terror in New York City, for example, many authorities swore that racial tension was not at all involved—even though the attackers were Negroes and the victims whites. And when a group of Negroes went on the rampage in Chicago recently, robbing and ransacking a store and beating and knifing several whites, the police tried to explain that they were "just looking for kicks." Mississippians at least admit that they have racial problems.

The attack on Mississippi is not only imprudent and hypocritical, it is unfair. The Magnolia State's bad points are being examined with a magnifying glass and its good ones virtually ignored.

We get the impression that Mississippi is crime ridden, but actually it has the second lowest crime rate in the United States. We hear that it is a poor State, but never seem to hear that it is having tremendous success in attracting new industry. If a bombing or killing takes place in Mississippi, it's a national disgrace, but if 75 bombings and 11 killings occur in 1 decade in Youngstown, Ohio, to name one northern city, no one seems to particularly care.

Mississippi's racial problem, we should try to realize, is unique. Forty-two percent of its population is colored. Most northerners cannot imagine, let alone understand, what this is like. Naturally, Mississippians resist radical change because it would throw the balance of political power into the hands of people who are by no stretch of the imagination capable of voting intelligently. This happened once in Mississippi's history—during the Reconstruction era—and it nearly wrecked the State. It is not wise for the civil rights workers to be registering Negroes to vote before they are even able to read and write. They should be putting first things first.

Certainly the persons responsible for the disappearance of the three civil rights workers in Mississippi have done a despicable thing. But to condemn an entire State because of this incident about which no facts are known is simply not fair. Indeed, it is rather strange that the persons in charge of the civil rights operations in Mississippi have so easily escaped any blame. As Columnist Joe Alsop, Newsweek magazine, and others have pointed out, they were hoping in the back of their minds for violence so that the Federal Government would intervene in Mississippi. Toying with persons' lives like this for political gain is irresponsible and cheap and should be strongly condemned instead of simply ignored.

Like it or not, admit it or not, racial disorder in the United States is not confined to the borders of the State of Mississippi or even to the South. The North has extremely serious racial problems which will become even more serious if we continue to soft-pedal them.

Northerners should stop spending their time attacking Mississippi and start working harder to clean up their own backyard.

Mississippi's problems, let us realize, are best understood by Mississippians and will be best solved by their efforts, not by the agitation and condemnation of northerners who foolishly demand a quick answer to an extremely complex problem which is going to require a good deal of time, patience and understanding.

DISCLOSURE OF FINANCIAL INTEREST AND ENUMERATION OF CERTAIN PROHIBITED ACTIVITIES

Mr. MANSFIELD. Mr. President, the Senate is operating under the Pastore rule of germaneness, but I ask unanimous consent, in view of circumstances which were called to my attention, that the unfinished business be temporarily laid aside, and that, instead of considering Senate Resolution 338, the Senate proceed to the consideration of Calendar No. 1067, Senate Resolution 337, and that it be made the pending business.

Mr. CURTIS. Mr. President, if the Senator will yield, is it also the expectation to call up the freight car bill?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 337) to provide disclosure of financial interest and to enumerate certain prohibited activities.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the resolution.

THE 200TH ANNIVERSARY OF TICONDEROGA, N.Y.

Mr. KEATING. Mr. President, despite the germaneness rule, I ask unanimous consent to proceed briefly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEATING. Mr. President, one of the symbolic landmarks of our Nation's struggle for independence is Fort Ticonderoga, located in the town of Ticonderoga, N.Y. Tomorrow the community will celebrate the 200th anniversary of the first English grant and settlement within the township.

On July 2, Governor Rockefeller issued a proclamation designating this Saturday as Ticonderoga Day. I ask unanimous consent that the Governor's proclamation be printed in the RECORD.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

PROCLAMATION OF THE STATE OF NEW YORK, EXECUTIVE CHAMBER, ALBANY

Ticonderoga with its great stone fortress was a focal point in the formative years of our Nation. It was at Ticonderoga that the first aggressive blow for freedom was struck in the colonial revolt which produced this great Nation and Ticonderoga today denotes an American heritage that belongs to that town, to this State, and to our Nation, a heritage that gives us pride in our past, courage for the present and inspiration for the future.

July 25, 1964, marks the 200th anniversary of the first English grant and settlement within the township of Ticonderoga.

It is fitting that we join the people of Ticonderoga in recognition of their town's 200th anniversary and in acknowledging a magnificent contribution to American tradition which is ours to cherish in coming generations: Now, therefore,

I, Nelson A. Rockefeller, Governor of the State of New York, do hereby proclaim July 25, 1964, as Ticonderoga Day in New York State.

Given under my hand and the privy seal of the State of the capitol in the city of Albany this 2d day of July in the year of our Lord 1964.

NELSON A. ROCKEFELLER.

By the Governor.

WILLIAM J. RONAN,
Secretary to the Governor.

THE CASE FOR THE NAVAL SHIPYARDS

Mr. KEATING. Mr. President, under the sponsorship of the Metal Trades Department of the AFL–CIO, a policy committee has been formed in a united effort to make the Congress and the country aware of the important mission of our naval shipyards. Representative EMANUEL CELLER, of New York, was selected chairman of this committee.

Mr. President, I believe this committee can perform a very useful role in coordinating congressional support for shipyard activities and in making the Nation aware, as it is not today, of the full responsibilities and capabilities of our Navy yard complex.

Mr. President, for some time there has been an effort to downgrade Navy yards on the ground that the costs of shipbuilding and ship repair in Navy yards may in certain cases appear to be slightly higher than such costs in private yards.

But cost statistics are not the whole picture, and any decision arrived at on the basis of cost figures alone is never satisfactory. There are many elements in a naval operation that cannot be duplicated in a private operation. On my several visits to the Brooklyn Navy Yard I have been impressed with the spirit of the men there and the great pride that they take in their work and their installation.

This pride is an intangible thing that must be considered when the Government is encouraged by some to assign more and more work to private yards and less and less to Navy installations. But there are other factors that are often overlooked which demonstrate that our naval yards are necessary operations and should be continued. These factors are outlined with care by Cmdr. John D. Alden in an article entitled "To Serve the Fleet: A Case for the Naval Shipyard" which appeared in Shipmate magazine. Commander Alden presents the whole picture which is so necessary if we are to understand the debate on comparative operations in Government and private shipyards. He explains why it is that private yards are able to do the work for less: they are not burdened with civil service requirements when men are laid off in slack periods nor are they required to maintain a large operation in readiness for a national emergency. Moreover, private yards need not recognize the requirements that workers be recruited from depressed areas of the country which the Government often imposes on the naval operations.

On the other hand, naval yards perform vital functions that cannot be done by private shipyards. In the first place they maintain large installations that can do any job at any time. It costs money to maintain these facilities, but in an emergency they are crucial to the Nation's defense. Ships launched from naval yards are different from those built in private ones for all new improvements developed while the ship is being constructed are incorporated into a Navy built ship. A private yard cannot afford to do this.

Moreover, repair work in a naval yard is completely done. When the Government contracts with a private yard for a repair job, that is what is done and only that; in a naval yard any other flaws or problems that are discovered while doing the repair work are promptly taken care of. This quality work is performed because the "customer is the boss." The Navy has nothing to gain by doing a halfway job for itself; on the other hand a private yard must make a profit, and it cannot do so if it does more work than it outlined in the contract.

Finally, the naval yards are centers for all operations connected with ships and shipbuilding. They can provide services to the complex apparatus which is now a part of our modern fleet: radar, sonar, weapons control, and computers, propulsion machinery of the most advanced kind, weapons systems, and nuclear reactors of a secret nature; all of these can be serviced at one central location, the naval yard. Private yards must often subcontract this work at another location. In addition, the naval shipyard provides a full range of military personnel services: barracks, recreation facilities, medical and dental care, galleys and mess halls, and so forth. When a ship moves into a naval yard all its problems of every type can be solved in one place.

Commander Alden has done a fine service by presenting the case for the naval shipyard in a forceful manner. He considers both sides of this difficult question and concludes that a combination of both private yards with their possibly lower costs but limited services and the naval yards with their ability to do emergency work of all types at any time and their tradition of being able to do any job completely and thoroughly is the best situation for our country.

Commander Alden closes:

To conclude, it should be recognized that national requirements of security and sea power, viewed in its broadest sense as including our merchant marine as well as naval resources, demand that the United States maintain both its naval and private shipyards. Each has its different basic reasons for existing and each should be able to accomplish certain types of work more efficiently and to the greater satisfaction of the customer. It should go without saying that the hidden advantages of the Government shipyards do add substantial weight to counterbalance the cost scales.

He adds that a broad mobilization base is a definite asset that our country can ill afford to lose.

Commander Alden's contribution to the understanding of the problems and the importance of the naval shipyards in the United States is a great one indeed and should be read by all those interested in this question of importance to the Navy and the country.

Mr. President, I ask unanimous consent to have Commander Alden's informative article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TO SERVE THE FLEET: A CASE FOR THE NAVAL SHIPYARD

(By Comdr. John D. Alden, U.S. Navy)

(NOTE.—Commander Alden, a graduate of Cornell University, entered the Navy in 1942 through the V–7 program. In the Southwest Pacific during World War II he served in submarines and the escort carrier *Palau*. Following graduate work at MIT he was selected for engineering duty and since then has served in engineering and management assignments connected with shipbuilding and repair. Commander Alden is currently on duty as quality assurance officer at the Portsmouth Naval Shipyard.)

The year 1964 promises to be a year of real crisis for the U.S. naval shipyards. The criticisms of the past have mounted to a new peak of intensity as attacks, public and private, have come from a cost-minded Department of Defense, several echelons of the press, the private shipbuilding and repair industry, and even certain groups within the Navy itself. A cost effectiveness study funded by the Bureau of Ships in an effort to arrive at a factual comparison between the Government and private shipyards, as a basis for making long-range improvements, has been turned against its sponsor and cited as prime justification for dispensing with the naval shipyards forthwith. In all the public discussion concerning the issue, cost has stood forth as the sole criterion for judgment. The defendant, already condemned in the eyes of public opinion, stands in the prisoner's dock. The jury, in the form of a high level study group whose membership includes a strong budgetary representation, has withdrawn to deliberate the case. The fate of the naval shipyards themselves, possibly that of the time-honored principle that the Navy should have its own shipyards at all, will be decided on the basis of their verdict.

It is particularly unfortunate that the voices of any of the fleet's representatives should be raised against the naval shipyards, for this indicates a lack of appreciation of the benefits which the fleet enjoys through its own facilities. These can be summarized without difficulty and, I think, with little argument. A naval shipyard offers complete facilities to support forces afloat. It has in being the capability of fabricating, installing and maintaining every part of a ship and its equipage. In addition to the mundane shipkeeping services available at any shipyard the naval shipyard can service the new and complex equipment becoming ever more common in the fleet—radar, sonar, weapons control, and the computers of the naval tactical data system in the electronics category; propulsion machinery of the most advanced design; weapons systems and nuclear reactors of a secret as well as a complex nature. Most private shipyards have to farm out some or all of this type of work. The naval shipyard provides a full range of military personnel services. Barracks, recreation facilities, medical and dental care, galleys and messhalls, space for offices and storage cages, schoolrooms and training courses are typical of the "fringe benefits" available. Seldom, if ever, are such facilities provided by private yards. Quite often the Navy has to bring in its own berthing barges so the crews of ships in private yards will have a place to live during construction or repair work, while barracks in the naval shipyards stand empty. Among other logistic services are the tugs and barges, trucks and cranes, blueprint files and photographic laboratories, calibration stations and underwater sound ranges, hand and machine tools available for loan to the ship's force, and a full-fledged supply department—all normal parts of the naval yard. Finally the naval shipyard is usually conveniently located near the home port of a ship and its crew. The commercial yard may or may not be close at hand; often to obtain competition the Navy must accept a low bidder far from the ship's home port, regardless of the personal problems created for the crew. These and more represent the tangible, physical advantages of having the Navy's work done in its own shipyards.

An even greater advantage is perhaps less evident on the surface and therefore less appreciated. This is the readiness of the naval shipyard to undertake work under any and all conditions. An explosion rips a big attack carrier. Before the last line is made fast to the pier, workmen are swarming aboard, toiling around the clock until the ship is back in the Nation's line of defense; or a new, experimental piece of equipment has to be installed and evaluated on a crash basis, without benefit of detailed plans or firm work specifications; or changes must be incorporated into a new ship before it is delivered to the fleet. In all these situations it is the naval shipyard which can provide fast action, often completing a job in less time than needed for the preliminary legal work necessary to arrive at a contract with a private shipyard. Indeed, there have been many occasions when private yards have been unwilling to undertake naval work under any circumstances. In the naval shipyard, all that is necessary is that the fleet, represented by the Chief of Naval Operations, indicate the appropriate priority of work, and the naval shipyard will devote its entire capacity to whatever job is most urgent at the moment. The naval shipyard can never refuse to undertake work, although it may recommend against it. The overriding advantage to the fleet is simply this: The customer is also the boss.

In the face of these rather obvious advantages, the fact remains that the scales are weighted against the naval shipyards by the undeniable factor of costs. By all accounting standards, costs in a naval shipyard are higher than those in a private yard. For those who are sincerely seeking the maximum defense value for every dollar, it must indeed appear morally and legally indefensible to send the Navy's work where it will not be done most efficiently and economically. It is therefore incumbent on anyone who would advocate the case for the naval shipyards to demonstrate that either there are certain invalid statistics in the accountants' statements, or the country is getting more for its money than meets the eye. To explore these questions further, we must first review some of the basics of the shipbuilding business, both public and private.

Any shipyard is what is known as a "job shop." The term is used to distinguish mass production or assembly line industry from that which works on a case by case, or job by job, basis. Even under wartime conditions with hundreds of ships being built, no individual shipyard can really approach the conditions common to true mass production. In peacetime ship construction and overhaul work, it is rare for a yard to do exactly the same job over again even two or three times in a year. When work can be done repetitively, costs can be cut significantly by any shipyard, Government or private. In building a ship, experience and commonsense tell us that there are many possible ways to do it but not all will be equally efficient. To illustrate, take the case of a submarine which will require 300,000 man-days of productive labor to complete. (Such a man-day is the common unit measurement for shipyard work, and is roughly equivalent to the work of one man actually employed on the ship itself plus another man supporting him in the many overhead functions necessary to keep a big shipyard running.) At the extremes, we might say that 1 man could build the ship in 300,000 days, or 300,000 men could build it in 1 day, but we know that these conditions are ridiculous. Physically, it is almost impossible to concentrate more than 1,500 men per day on 1 submarine and have them work efficiently. Also, we could not afford timewise to wait 10 or 20 years to build a ship, even if that were the cheapest way to do it. In practice, it has been found empirically that a 3-year building period is realistic in peacetime, and that construction

has to start with a relatively small number of workers, build up gradually to a peak, then decline gradually until only a few are engaged in the test, trial, and fitting-out phases of construction.

Similar considerations govern overhaul and repair work, but here the time frame may be 2 to 6 months for the entire job. Ideal manning curves have been developed by experience which tell us in quite accurate terms the most effective pattern to follow. It is readily evident that the optimum pattern is one in which men, materials and plans are integrated together in a smooth, logical work sequence, through the function known as scheduling. Deviations from this pattern represent potential waste and unnecessary expense or delay, consequently much planning effort is devoted to the avoidance of interference with an orderly erection schedule.

With this general background, we are in a position to consider some basic differences between a private and a naval shipyard. These differences are real and quite fundamental to the problem of comparative costs. First, take the private yard. It exists for one purpose, to make a profit for its owners or stockholders, like any other business enterprise. The private shipyard under ideal competitive conditions gets work by offering the lowest bid for a fixed work "package." Once the price has been established, any changes in the work package are subject to the negotiation of a contract change. If, as is often the case, the customer is not sure what repairs are necessary (compare this with the automobile owner bringing his ailing vehicle to a garage), the original fixed price includes only the work necessary to "open and inspect" the defective items. When the Navy contracts for work in a private yard it commits itself to certain obligations such as delivering Government furnished equipment by a certain time, or having the ship's force complete certain work not to interfere with the contractor. If the Navy fails to meet any of these commitments, the contractor is entitled to renegotiate the contract with regard to any damages he may have suffered as a consequence, and the Navy must assume the cost of any delay which may result. No criticism of this process is implied or intended; it is accepted good business practice. Once a yard has a contract, management devotes its efforts to maintaining an efficient manning schedule. Workmen are hired or laid off as required, overtime is worked in lagging areas, and vendors or subcontractors are engaged as necessary to maintain the orderly progress of work. Given the normal competition of the marketplace and a more or less conventional type of work, this process will naturally yield satisfactory results at the best price.

The naval shipyard, on the other hand, operates under a completely different frame of reference. It exists, under Navy regulations, for one purpose only—to serve the fleet. Its work is assigned to it by administrative decision. Such preliminary negotiations as may be carried out are essentially one sided, as the shipyard is not a free agent which can accept or reject work to suit itself. The customer is in the driver's seat and determines what work shall or shall not be done.

The naval shipyard operates by law under a financial arrangement known as the naval industrial fund. The objective is to make neither profit nor loss, but to come out even at the end of each fiscal year. When it submits an estimate of the cost of a new construction ship, the estimate is for the ship as experience indicates it will be at the end of construction. Because of the length of building periods and the constant improvements in today's technology, it is only realistic to forecast a growth factor of 10 percent or more in the cost of a new warship. A private contractor interested in obtaining a contract by being the low bidder is under no obligation to consider this factor. The naval shipyard's estimate is thus not entirely comparable to the private company's fixed bid price.

Just as changes in the work package are taken for granted in the naval shipyard's estimate, so they are accepted without dispute when they come. If the changes are mandatory to improve the safety or operating effectiveness of the ship, the naval shipyard is required to do the work regardless of its disrupting effect on other jobs in the yard. The private shipyard, if directed to accomplish the same change on a "mandator" basis, can and does demand full compensation in the form of a cost increase which the Navy has little option but to accept if it really wants the work done. In the case of overhaul work, it is known that "open and inspect" jobs will result in repair work, and in the naval yard most such work is done as a matter of course. Consequently, forces afloat need give little consideration to the legal phraseology in which work items are written. To overhaul a pump may mean the performance of specific and limited actions in a private yard; in a naval shipyard it means to deliver an acceptable end product.

In any overhaul a ship has far more items on its work list than the type commander has funds to pay for. It is thus more to the benefit of forces afloat that the available funds be stretched to accomplish as many jobs as possible, than that a fixed package of the most urgent repair items be bid in at the lowest possible price. The customer is not really interested in saving money by leaving essential repair work undone, and the naval shipyard is not interested in making a profit at the expense of the customer. Thus an overhaul in a naval shipyard is not exactly comparable to an overhaul in a commercial yard.

Once a naval shipyard has been assigned a ship, its management also devotes its efforts to maintaining an efficient manning schedule. Workmen are hired or laid off—but in accordance with civil service procedures, and within strict maximum and minimum ceilings established in Washington. Overtime is worked in lagging areas, but under rigid percentage limitations. Vendors and subcontractors are engaged in strict compliance with the armed services procurement regulations. Contracts must frequently be placed with bidders from distressed areas, or with low bidders whose promises are glib but whose product quality or timeliness of delivery may be dubious at best. There is little consolation in seeking to recover damages while the fleet presses for the delivery of a delayed ship and the offending vendor exhausts all the legal and political appeals at his disposal. As might be expected, many items are reworked or repaired by the naval shipyard in an effort to maintain the progress of work. There is no criticism of the above practices per se, for they are all matters of law or public policy. There may be overall public advantages in a policy of farming out work to distressed areas, and in maintaining the integrity and attractiveness of the civil service. The law prescribes the preferential rights of war veterans and the procedures by which contracts must be awarded. A private businessman has every right to seek the aid of his Congressman in redressing what he feels is a grievance. Personnel ceilings and overtime limitations, however bothersome, are also serious financial controls enforced throughout the Government to insure that responsible officials do not violate the law and incur the penalties prescribed for those who permit the overexpenditure of public funds.

Other matters of law or public policy which are binding on Government activities may or may not have an effect in private shipyards. For example, Congress has, for reasons of its own, made it clear that the use of stop watches for making time and motion studies is considered undesirable in Government activities, despite their widespread use in private industry. And perhaps most significant of all is the policy that the naval shipyards constitute a base for rapid mobilization in case of war. A private contractor can shut down or dispose of functions or departments which do not contribute to his profit. The naval shipyard Commander who fails to keep his yard's facilities and manpower skills sufficiently ready to handle emergency repairs, the activation of reserve fleet warships or tankers, or the support of local civil defense and security requirements, will receive little sympathy if he is unready when disaster strikes. National requirements indeed loom large in any picture of the naval shipyards.

Having brushed up on these fundamentals, we are in a position to look at some of the significant factors leading to cost differences between the naval and the private shipyards. First of all, it can be stated flatly that an identical ship built for an identical number of man-days of equal worker productivity at the same basic hourly wage rate would still cost more in a naval shipyard solely because of the civil service fringe benefits prescribed by law. Senator DANIEL INOUYE, of Hawaii, in a recent speech cited figures of $0.45 to $0.57 per direct labor hour as representative of the extra cost of these benefits, and went on to defend these policies as the Government's obligation to "establish a shining example for the Nation's industries to follow" in matters of wages and employee benefits.

Whenever any of the other requirements of public policy take precedence over the maintenance of an orderly work schedule, it can be postulated that increased costs will result. Thus the naval shipyards start with a substantial group of costs which, while presumably in the best interests of the national welfare, impose a built-in disadvantage in any comparison with their private counterparts.

Second, we have a group of items of ostensible higher cost which in actuality represent extra value in the form of extra service to the fleet. In this category may be included the maintenance of broad spectrum skills and a mobilization base, the difference in overhaul concept, and the value of an accounting intangible, fleet readiness. What, for example, is the true cost difference between a cheaper fixed price ship representing at completion a design almost 4 years old, and its apparent sister into which continuous improvements have been built almost up to the day of delivery? (If this factor should be considered specious, it remains a fact that every privately built ship receives during its first overhaul, at Navy expense, most of the alterations which are normally incorporated into the construction of its Government-built sisters.) There are ships today approaching delivery to the fleet in which hundreds of desired changes have not been incorporated because of the refusal of the private shipbuilder to undertake them.

Another intangible is the fact that experimental features of technological difficulty are usually built into those ships of a class under construction in naval shipyards. When private shipbuilders undertake such work, they usually insist on doing it under a "cost plus" type of contract frowned upon by the Pentagon because of its costliness and lack of incentive.

Also in this same category are the many fleet support services mentioned at the beginning of this article. Even though the most obvious of these costs are excluded from normal shipyard operating costs, the mere fact that they occupy space and consume utilities adds something to the overhead expense of the entire yard.

An unpublicized and little-recognized factor in the cost of privately built ships is the expense to the Navy of maintaining and supporting the offices and staffs of the supervisors of shipbuilding throughout the country. This force, which may amount to several hundred inspectors and design engineers in a single supervisor's office, is necessary to protect the Government's interest by assuring that contractual and specification requirements are adhered to throughout the process of ship design and construction. In a naval shipyard this function is woven inextricably into the very fabric of the organization. This is one more factor which adds to the apparent higher cost of new construction in naval shipyards.

Finally, there is one more major area where costs in Government yards are increased by factors beyond local control. The importance of maintaining an optimum manning curve, whether in new construction or overhaul work, has already been stressed. The earlier discussion related solely to total manning levels. However, ships are not built by jacks-of-all-trades, nor by supermen who are equally proficient at drawing board or welding rod, forge or foundry, milling machine or oscilloscope. A multitude of trades, all highly skilled, must contribute their efforts before a ship can be delivered for service. By the very nature of the shipbuilding process it is necessary that the hull, with its heavy structural work and welding, be built first. Then pipefitters and electricians move in to ply their trades, followed by machinists, sheet-metal workers, painters and all the other trades. Thus it can be seen that each shop or trade must have its own most efficient manning pattern. Some are more predominant early in construction or late in the fitting-out period, while others are required at a fairly steady level throughout. Similarly in overhaul work there are distinctive trade patterns characteristic of different types of ships. The work force "mix" required to overhaul aircraft carriers, for instance, is much different than that for submarines. In practically all types of overhauls, however, the heavy structural workload of new construction is missing. Because of the inherent differences between the two types of work, private yards tend to specialize in either new construction or repair, but the naval shipyards have to take their work as it is assigned, regardless of the complications involved.

Whereas private shipyards may find it more economical to lay off men when their particular skills are no longer required, the naval shipyards usually find it more advantageous to hold onto their best people during periods of temporary slack by finding other employment for them, knowing that the changing workload will soon require them again. When the Government yard does want to cut down on personnel, civil service procedures designed to protect the rights of the individual worker from the evils of a long-vanished spoils system impose a number of serious restrictions. A reduction in force, or RIF, in a Government activity is a complicated affair. Seniority and veterans' rights come into play permitting employees to "bump" into jobs held by individuals with lesser tenure. People shift from job to job, and the unlucky ones who finally have to go "out the gate" may be far removed from the jobs which were originally eliminated. In fact, individuals may frequently "bump in" to other activities in the same area or even in remote areas. As a case in point, when the impending closing of the Naval Repair Facility at San Diego, Calif., was recently announced, all other naval shipyards were notified that they could not fill certain vacancies if there were people at San Diego qualified for the job. The problem of maintaining an optimum "trade balance" in a naval shipyard engaged in both new construction and repair work is difficult indeed. It is immeasurably complicated by the requirement that it be accomplished within arbitrary ceilings for the total shipyard.

Consider an example of a shipyard engaged in new construction, and assume that during the months of peak loading 1,500 men per day are needed on 1 ship, leaving 500 to work on smaller projects. Then assume the assignment of a major overhaul requiring a peak workforce of 1,000 men per day. Because the total shipyard ceiling is fixed at an overall average figure, it is apparent that something will have to give. Overtime can be used for only a small percentage of the extra man-days needed, and the fleet gives priority to getting the active ship overhauled and back into service. The result is that the new construction ship will give up approximately 500 men per day during the peak period of work on the overhaul ship. Although the men can be put back on the original job later, the yard has been forced to make a serious departure from its ideal new construction manning pattern. From this point on the new construction ship will be in trouble compared to its sisters in private yards where such restrictions need not apply. As a general rule, we can state that mixed workloads tend inherently to produce inefficiencies. As a corollary to the general rule, mixed workloads can be absorbed most efficiently when the work force is very large. In other words, a big shipyard is inherently able to be more efficient than a small one provided it has a constant large workload. A shipyard with many new ships under construction at the same time with completion dates a few months apart can make great savings in shifting manpower efficiently and in making or buying several of the same items at once. Another factor affecting a large yard, such as any of the naval shipyards, is that the number of overhead employees need increase only by a small percentage to support a large increase in production. The yard could practically double its productive capacity by going to two shifts without adding a single building or machine, and with a relatively small increase in office personnel. Thus, by virtue of its heavy capital investment in land, buildings, facilities, trade skills and mobilization potential, the naval shipyard can only be efficient if it has a heavy and constant workload. The same situation is true of a few of the larger private yards although to a slightly lesser degree. Unfortunately, considerations of public policy are the very forces which have in recent years denied to the naval shipyards the conditions which they require to be efficient. The law has required that an increasing percentage of new construction ships be allocated to private yards. As a result, those yards which have been able to acquire a large number of contracts are doing quite well, and their success is being cited in justification of taking still more work away from the naval yards. At the same time, restrictions on repair funds have so squeezed the Type Commanders that they have begun to object to the costs of work in the naval shipyards despite the operational advantages they would otherwise receive there. Once forced to operate at an uneconomically low level of workload, the naval shipyards have entered into a spiral of increasing costs and diminishing returns, not unlike the situation which has led so many automobile manufacturers to go out of business when their volume dropped below the "break even" point. Are the naval shipyards similarly doomed? If so, it will be their ironic epitaph that matters of law and national policy were the proximate cause of death.

To conclude, it should be recognized that national requirements of security and seapower, viewed in its broadest sense as including our merchant marine as well as naval resources, demand that the United States maintain both its naval and its private shipyards. The factors and considerations which have been discussed should be sufficient to indicate that each sector of the shipbuilding industry has its peculiar strengths and weaknesses. Each has different basic reasons for existing and each should be able to accomplish certain types of work more efficiently and to the greater satisfaction of the customer. If pure cost were the only consideration, neither half of the American shipbuilding industry would have a chance. We should farm out all our new construction work to Japan and our repair jobs to the lowest bidders, be they in the Baltic or the Mediterranean or on the other side of the world. In fact, on a cost basis we would undoubtedly be justified in deciding to contract out our entire Defense Establishment to foreign mercenaries. It should go without saying that the hidden advantages of the Government shipyards do add a substantial weight to counterbalance the cost scales, a broad mobilization case is a defense asset which the country can ill afford to lose, and the shipyards should not be penalized because they are bound by laws and policies which Congress and the administration have established for the general good of the Nation. Our leaders are surely not determined to save money no matter how much it costs.

Service to the fleet has its price. Is it worth the cost? Let the evidence—all the evidence, pro and con—be weighed carefully before, rather than after, the verdict is delivered.

Mr. COTTON. Mr. President, will the Senator yield?

Mr. KEATING. I am glad to yield to the Senator from New Hampshire.

Mr. COTTON. I commend the distinguished Senator from New York and associate myself with every word he has said. Many of us are deeply interested in preserving the skills and not letting them deteriorate or allowing the yards to be closed or weakened. We believe that our naval shipyards are a necessary line of defense. This is so not merely because we have shipyards in our States. The very fact that we have them makes us aware of their importance and morale, and the service that they have rendered and are continuing to render. I believe it is extremely necessary for the public good and public safety that we see to it that they receive their full share of the work. I am glad the Senator made the statement that he has made today.

Mr. KEATING. I am grateful to the Senator from New Hampshire for his statement. He has joined with many of us, in the fight to maintain our naval shipyards as a necessary part of our naval defense strength. He has been a stalwart in support of the naval shipyards and their fine personnel. I am very happy that he has joined me in this effort. I know he will have pleasure in reading this fine and informative article, if he has not done so already.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I should like to request that either the conferees near me speak in lower tones or that the speaker who has the floor speak louder, because the matter that is being discussed involves some responsibility on my part.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. SCOTT. Let me say to my friend from New York and my friend from Mississippi that I join in what the distinguished Senator from New York has said in support of his own views and of the article which he recommends. Ever since I have been in Congress I have been very much concerned about the naval shipyards and the private shipyards. I have been concerned about the allocations to them and between them. I have been especially concerned regarding the growing tendency of the removal from the naval shipyards of needed new work and of repair and rehabilitation work, as well as the failure to spread nuclear work around. It would have saved the Philadelphia Naval Shipyard if my recommendations had been followed over the years.

This problem has resulted in my intervention with the Secretary of Defense and the Secretary of the Navy and the heads of relevant bureaus. I have made my trek to the Pentagon many times, and before that to the old main Navy Building, to discuss this subject.

I have been with delegations on numerous occasions, and with the Senator from New York on other occasions, when we have presented our case as formidably as we could. We have warned about the dispersal of skills, and about the fact that in time of emergency it would be practically impossible to reassemble the needed workers with the know-how to suddenly put their hand to the lathe and resume the work where they had left off.

We all recall the experience we had in connection with the Korean war, when there had been a sharp cutback in naval shipyards. Between the winter of 1949–50 and the outbreak of the Korean war in June 1950, many of these skills had been dispersed. Then there was a complete reversal, because of the emergency and the war, which forced a reconsideration.

The Senator from New York and the Senator from Mississippi will remember that occurrence. Inasmuch as the Senator from Mississippi is so importantly situated with regard to his subcommittee, and also with respect to the Subcommittee on Appropriations of the Senate Committee on Appropriations, the Senator from New York and I would be glad to have any reassurance or information that he could supply.

Mr. KEATING. I am grateful to my friend from Pennsylvania for his support at this point. I know the work that he has done in this field. I feel that the formation of this committee, of which he is a member, composed of representatives of the 11 States where there are naval shipyards, may be a very important step in focusing attention on this problem and in showing the necessity for the preservation of these yards.

Mr. SCOTT. Mr. President, I understand that it would be in order for us to request the distinguished Senator from Mississippi to give us the benefit of his views, based upon his long experience with this problem. We know of his sympathetic interest in this matter.

Mr. STENNIS. Mr. President, if the Senator from New York will yield, I merely wish to state that with a memorandum that I can obtain during the days, I shall be glad to make a brief statement on the floor of the Senate about what the Preparedness Subcommittee is trying to do to gain a further understanding and further facts on this subject, and what we can reasonably expect in the future so far as our activities are concerned. Without that memorandum before me, I am afraid I might omit some points, and what I say might be misleading. I shall obtain something during the day.

Mr. KEATING. Mr. President, I am grateful to the Senator from Mississippi. I am sure that the memorandum he will obtain will be very helpful.

Mr. JAVITS. Mr. President, first I wish to emphasize the very important and active role which my colleague from New York has played in the struggle to keep open the naval yards, which are under a real threat. I join him and the Senator from Pennsylvania.

I have, together with Senator KEATING, requested that a comprehensive study of the capabilities of the Navy and private yards be undertaken by the Preparedness Subcommittee and have introduced legislation to that effect. I believe that consideration of these matters by a congressional committee is supremely important, because they deeply affect national defense requirements.

We have been convinced all along that the operation of our Nation's shipyards very clearly involves the preparedness of this country. Hence the ideas and views of the Senator from Mississippi have been most diligently sought by us and will be most importantly received, so far as we are concerned, as bearing on this question.

I wish to emphasize the role which my colleague from New York [Mr. KEATING] has played in this matter. This pleases me greatly.

Our role has not been and is not a parochial one. We are fighting this battle because we deeply and sincerely believe in the interest of national defense and the full preparedness of our Nation.

I hope that the subject of our Nation's shipyards will be given serious attention by the Senate during discussion of the Defense appropriation bill for fiscal year 1965, and in connection with an amendment to this bill which I am introducing together with Senators KEATING, COTTON, and MCINTYRE. It is hoped that other interested Senators will join in sponsorship.

Mr. KEATING. Mr. President, I am grateful to my colleague from New York for his kind words. It has been a pleasure to stand shoulder to shoulder with him and with Representative CELLER and other members of the congressional delegation from New York in this fight.

As the article which I am placing in the RECORD emphasizes, this is a matter of national defense; it is not a matter of parochial interest in Philadelphia, Brooklyn, Portsmouth or any other area.

One of the things that is brought out most strongly in this article is that when the repair work is done in a naval yard, it is completely done; whereas, when the Government contracts with a private yard for a repair job, naturally the private yard does only that job and nothing else. But if a ship enters a public yard for repair, the customer is the boss. The public yard takes care of any other items which need to be done while the ship is in the yard.

Similarly in new construction, the hardest jobs, with the largest number of innovations or design changes, go to the Navy's own yards, once the design is established, private yards are permitted to bid and compete, taking full benefit from the Navy yard's experience.

I am grateful to my colleagues for their intervention.

LAWBOOKS, U.S.A.

Mr. KEATING. Mr. President, the American Bar Association, the Federal Bar Association and the U.S. Information Agency have coordinated efforts to set up a lawyer-to-lawyer book exchange program designed to acquaint attorneys in the emerging nations with the American legal system. The project—Lawbooks, U.S.A.—encourages American lawyers to contribute $8 which will purchase a preselected package of eight books concerning the nature of our legal system. The books are then sent to lawyers overseas with the donor's name enclosed, and correspondence between the donor and the recipient is encouraged. The books are distributed overseas by volunteer Peace Corps lawyers, USIA officers, and foreign bar association leaders.

Although the lawbooks project is only in the formation stages, it has received encouragement and support in the communities where it has begun operations. Foreign lawyers have responded enthusiastically to the American donors. In fact, members of the Israel bar, upon receiving the packets, requested that literature on the Israel system be shipped to the United States in return.

This effort on the part of American lawyers to extend knowledge of the rule of law and its role in our free society, is an impressive and practical way to further understanding among nations. I commend the program to all my fellow members of the bar.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the concurrence of the distinguished minority leader, I wish to call up two items on the calendar—perhaps three, if the Senator from Virginia [Mr. ROBERTSON] comes to the Chamber in time—to which there is no objection.

SPECIALLY ADAPTED HOUSING FOR CERTAIN BLIND VETERANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1170, H.R. 248.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 248) to amend section 801 of title 38, United States Code, to provide assistance in acquiring specially adapted housing for certain blind veterans who have suf-

fered the loss or loss of use of a lower extremity.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 248) was considered, ordered to a third reading, read the third time, and passed.

SELLING OF DIRECT LOANS MADE TO VETERANS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1171, H.R. 6652.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6652) to authorize the Administrator of Veterans' Affairs to sell, at prices which he determines to be reasonable, direct loans made to veterans under chapter 37, title 38, United States Code.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the bill (H.R. 6652) was considered, ordered to a third reading, read the third time, and passed.

INSCRIPTION OF FIGURE 1964 ON ALL COINS MINTED UNTIL ADEQUATE SUPPLIES OF COINS ARE AVAILABLE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1172, S. 2950.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2950) to authorize the mint to inscribe the figure 1964 on all coins minted until adequate supplies of coins are available.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. ROBERTSON. Mr. President, I call up my amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 1, strike out lines 3 through 8, and insert in lieu thereof the following: "That, notwithstanding section 3517 of the Revised Statutes (31 U.S.C. 324), all coins minted after the date of enactment of this Act until July 1 or January 1, whichever date first occurs after the date on which the Secretary of the Treasury determines that adequate supplies of coins are available, shall be inscribed with the figure '1964' in lieu of the year of the coinage."

Mr. ROBERTSON. Mr. President, the purpose of the amendment is to provide the mint with a little more leeway in returning to a new date. If the coin shortage is eliminated by July 1 of next year, as we hope it can be, the mint can place the date "1965" on coins for the remainder of the calendar year.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a brief explanation of the bill.

There being no objection, the explanation was ordered to be printed in the RECORD as follows:

EXPLANATION

S. 2950 would authorize the mint to put the figure "1964" on all coins minted until the Secretary of the Treasury makes a determination that adequate supplies of coins are available. The purpose of this is to make it clear that the Government intends to flood the market with 1964 coins to such an extent as to make it pointless to go on hoarding them. We expect that this bill will release floods of 1964 coins which are now being held by speculators who hope that the price of these coins will rise in the future.

This bill is part of an overall program of the Treasury to supply additional coins by increasing facilities at Denver and Philadelphia, by running these mints 24 hours a day, 7 days a week, and by purchasing nickel and bronze strip to make nickels and pennies.

The committee took this step reluctantly. Breaking a long tradition of dating coins with the year of their coinage—a tradition going back to 1792—is not a step to be taken lightly, but the present situation is so serious that commerce and industry are being interfered with. The purpose of the mint is to supply coins for commerce and industry, not to serve the wishes of collectors.

As reported, the bill provides that the Treasury should go back to the old system of inscribing coins with the year of their coinage on January 1 of the year following the Secretary's determination that adequate supplies of coins are available. Under the bill, if the Secretary decided before January 1, 1965, that adequate supplies of coins were available, the mint would begin on January 1, 1965, to mint coins inscribed "1965."

If, however, the Secretary could not make this determination until after December 31, 1964, but made the determination sometime during 1965, no coins inscribed "1965" would ever be made, because the January 1 following a determination made during 1965 would be January 1, 1966.

With the thought that the shortage of coins may be over early next year, I have introduced an amendment which would permit making coins inscribed "1965" if the Secretary should determine adequate supplies of coins are available on or before June 30, 1965. The same thing could be done on July 1 of 1966 or later years, if the coin shortage should end in one of those years. This would still leave the determination entirely within the Secretary's discretion, and unless he were fully satisfied of adequate supplies of coins, he would not make the determination. This amendment was proposed during the hearings, and printed in the transcript, and no objection to it was expressed.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield.

Mr. JAVITS. Was this amendment submitted to the committee?

Mr. ROBERTSON. The amendment was submitted to the committee and was printed in the hearings. The chairman had to leave the executive session of the committee at which the bill was considered to preside over a conference on the report on the Treasury-Post Office appropriation bill. The distinguished Senator from Alabama [Mr. SPARKMAN] was presiding over the Committee on Banking and Currency, over the executive session. Unfortunately no one remembered to bring up the amendment, so the bill was ordered reported in its original form. There was no opposition to the amendment.

Mr. JAVITS. One further question: Would the amendment make the numismatists a little happier? I am for the bill.

Mr. ROBERTSON. That is one reason why we included the amendment. It would make the coin collectors a little more happy. We want to cooperate with them as much as possible.

Mr. JAVITS. Of course.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2950) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding section 3517 of the Revised Statutes (31 U.S.C. 324), all coins minted after the date of enactment of this Act until July 1 or January 1, whichever date first occurs after the date on which the Secretary of the Treasury determines that adequate supplies of coins are available, shall be inscribed with the figure "1964" in lieu of the year of the coinage.

SEC. 2. The requirement of section 3550 of the Revised Statutes (31 U.S.C. 366) that the obverse working dies at each mint shall be destroyed at the end of each calendar year shall not be applicable during the period provided for in section 1 of this Act.

Mr. JORDAN of North Carolina obtained the floor.

Mr. MANSFIELD. Mr. President, will the Senator from North Carolina yield to me, without losing his right to the floor?

Mr. JORDAN of North Carolina. I am glad to yield to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call may be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware and Mr. JORDAN of North Carolina addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina [Mr. JORDAN].

PROPOSED AMENDMENT OF RULE XXV OF THE STANDING RULES OF THE SENATE RELATIVE TO THE JURISDICTION OF THE COMMITTEE ON RULES AND ADMINISTRATION

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent that the pending business be temporarily set aside, and that the Senate proceed to

the consideration of Senate Resolution 338.

The PRESIDING OFFICER. The resolution will be read for the information of the Senate.

The resolution (S. Res. 338) was read, as follows:

Resolved, That the Standing Rules of the Senate are amended by adding at the end of paragraph 1(p) of rule XXV (relating to the jurisdiction of the Committee on Rules and Administration) the following new subparagraph:

"(3) Such committee shall have jurisdiction to investigate every alleged violation of the rules of the Senate, and to make appropriate findings of fact and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing. In any case in which the committee determines that any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. CLARK. Mr. President, reserving the right to object—and I shall, in the end, not object—I point out that it makes absolutely no sense to take up Senate Resolution 338 before Senate Resolution 337, because unless Resolution 337 or some substitute therefor is adopted by the Senate, Resolution 338 is utterly meaningless.

Nevertheless, this is the way the opposition and the leadership wish to play it and, therefore, having pointed out this inconsistency in taking up Resolution 338 first, I shall not object.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. JORDAN of North Carolina. Mr. President, in conducting its investigation under Senate Resolution 212, the Senate Committee on Rules and Administration found that there was considerable controversy over the scope of the resolution and the authority of the committee.

After much study and discussion, the committee felt that the Senate should adopt a new rule, as provided in Senate Resolution 338, which would give the Committee on Rules and Administration clear and unmistakable authority to investigate all violations of the rules of the Senate and recommend appropriate action. If such authority had been clearly vested in the Rules Committee or some other standing committee of the Senate, there would have been no necessity for Senate Resolution 212.

The committee feels that investigations of violations of rules of the Senate will be more expeditious, less controversial, and freer from technicalities if a standing committee of the Senate is given authority to investigate all alleged violations of its rules.

There have been proposals made that the Senate should create a special or select committee for the purpose of policing or enforcing the rules of the Senate.

The Committee on Rules and Administration very carefully considered all of these proposals, and other suggestions, and came to the conclusion that the authority delegated under Senate Resolution 338 should be vested in the standing Committee on Rules and Administration rather than any other existing committee, or in a select committee to be created for such purpose.

In the event the Senate sees fit to adopt rules governing certain activities of its Members and employees, such rules will be little more than a code of conduct, unless they are accompanied by a clear system of enforcement.

Senate Resolution 338 would provide the machinery for such enforcement, and I therefore recommend its adoption.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. JORDAN of North Carolina. I yield.

Mr. CLARK. Is it not true that Senate Resolution 338 would give jurisdiction to the Committee on Rules and Administration to investigate alleged violations of the rules of the Senate, but that the only rules of the Senate the violation of which the committee would be concerned with investigating would be the rule which is called for in Resolution 337, so that if 337 or some similar rule were not adopted, Senate Resolution 338 would be quite meaningless?

Mr. JORDAN of North Carolina. Admittedly it is directed at the resolution the Senator mentioned.

Mr. CLARK. I thank the Senator.

Mr. JORDAN of North Carolina. There may be other violations. But that is the situation at which this proposal was directed.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, to a certain extent I agree with the chairman of the committee and with the Senator from Pennsylvania. This resolution is unnecessary since in my opinion the committee already has ample authority, and to that extent it is meaningless. The Committee on Rules and Administration, as has been confirmed by the Senate time and time again, has complete jurisdiction over investigating improprieties in the Senate. It had such authority under the resolution which I sponsored on October 10, 1963. It was specifically spelled out. Later, there was a question raised as to whether or not they had this jurisdiction, and then the Senate by a vote rejected the extension of such authority.

I still contend that it has jurisdiction, but I shall not argue the point but shall support the resolution. I think we should clear it up beyond any question.

In supporting this resolution, however, I want to have it amended so as to be sure it carries out the intentions.

Therefore, on behalf of the senior Senator from New Jersey [Mr. CASE], and myself, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. The Senator from Delaware [Mr. WILLIAMS] proposes the following amendment on behalf of himself and the Senator from New Jersey [Mr. CASE]:

On page 1, line 5, after the word "jurisdiction," insert the words "and responsibility."

Mr. CURTIS. Mr. President, I ask for the yeas and nays on the amendment of the Senator from Delaware.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. Does not the Senator agree that the only authority which the Committee on Rules and Administration has is set forth in rule XXV of the Senate Rules, and that if the committee's jurisdiction is not set forth in rule XXV, it has no other jurisdiction?

Mr. WILLIAMS of Delaware. The Committee on Rules and Administration had jurisdiction under the previous resolution to investigate Members of the Senate. I disagree completely with the Senator. If this resolution were approved, the committee would not only have jurisdiction, but it would also have responsibility. I should like to read what this would mean.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. It would then read:

Such committee shall have jurisdiction and responsibility to investigate every alleged violation of the rules of the Senate, and to make appropriate findings and conclusions with respect thereto after according to any individual concerned due notice and opportunity for hearing.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. Just a moment. This would clear up any possible misunderstanding. Even though the resolution which will be considered immediately after this one is disposed of, the mere fact that the committee is later given jurisdiction under Senate Resolution 338 would not mean that anything would be done. We found that to be true in the case of the previous resolution. We were unable to get the committee to recognize either its authority or its responsibility to call Senators.

Mr. CLARK. Mr. President, will the Senator now yield?

Mr. WILLIAMS of Delaware. Just a moment. Not only would the resolution as I am proposing to amend it give the committee jurisdiction which some Senator may question that it has, but it would also show clearly that it gives the committee the responsibility to investigate every alleged violation of the rules of the Senate.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. I strongly support the amendment of the Senator from Delaware. I hope very much that the chairman of the committee will agree to accept it.

I return to my question. Does not the Senator agree with me that the only jurisdiction of any committee of the Senate in general, and of the Committee on Rules and Administration in particular, is the jurisdiction set forth in rule

XXV, and that unless the jurisdiction of the Committee on Rules and Administration is extended, as called for by Senate Resolution 338, it will have no continuing authority in the premises?

Mr. WILLIAMS of Delaware. I do not altogether agree. I believe that the Committee on Rules and Administration has some jurisdiction over the conduct of Members of the Senate.

Mr. CLARK. Will the Senator state his reasons for disagreeing?

Mr. WILLIAMS of Delaware. Let us not even argue that point for the moment. We both agree that if it is to have jurisdiction, it should also have the responsibility to exercise that jurisdiction. Let us adopt this; then we can go and obtain a good, strong Resolution 337. When I refer to Resolution 337, I believe the Senator from Pennsylvania will agree with me that Resolution 337, as it has been reported by the committee, is not worth the paper it is written on so far as concerns clearing up any abuse of the Senate rules.

That, too, will have to be amended if it is to mean anything. As reported by the committee, it is just a group of pious words. It carries no penalties. It would accomplish nothing.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. I agree with the Senator from Delaware that Resolution 337 is not entirely adequate for the purposes for which it is intended. I would not agree that it is not worth the paper it is written on. I return to my question, which I think is vital, particularly in view of the fact that there will be a rather extended debate on it from the other side of the aisle. I should like the Senator from Delaware [Mr. WILLIAMS] to cite me one precedent which, under rule XXV, or any other rule of the Senate, would give the Committee on Rules and Administration authority or responsibility to investigate the conduct of Members of the Senate, their officers, or employees.

Mr. WILLIAMS of Delaware. I hope the Senator from Pennsylvania will not press me for an answer. Every time I think about the Committee on Rules and Administration I think about the Senate resolution authorizing the committee to investigate the improprieties in the Bobby Baker case. Then I think about how the committee failed to discharge that responsibility. But rather than get into that argument now, let us pass this amendment. The Senator from Pennsylvania admits that this needs perfection; let us go on and perfect it, and when we get to the next resolution both the Senator from Pennsylvania and I will have something further to say on this subject.

Mr. CLARK. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. If we are in agreement on this amendment, I suggest that we adopt this resolution, following which there will be another amendment which I hope will likewise be accepted. These amendments will put this resolution in a form in which it will have some teeth in it so that something can be done. Let us not confuse the issue by talking about Senate Resolution 337, which is not before the Senate. Let us talk about Senate Resolution 338 and the pending amendment, on which we are in agreement.

I hope the chairman on the Committee on Rules and Administration is in agreement that the committee when it has jurisdiction over a problem also has the responsibility to exercise its authority.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. I have not admitted anything. It never occurred to me——

Mr. WILLIAMS of Delaware. I understand a Philadelphia lawyer.

Mr. CLARK. I am not necessarily admitting anything. I commend the Senator from Delaware [Mr. WILLIAMS], without any admission, for the amendment he has proposed.

I return to my point. I shall not require the Senator to answer the question if he does not wish to do so. It is my contention that except for the ad hoc, so-called Bobby Baker, resolution, which is subject to many different interpretations, the Committee on Rules and Administration, aside from that one matter, has absolutely no authority or responsibility to investigate the ethical conduct of Members of the Senate, their officers, and employees. Therefore, in my opinion—and I do not ask the Senator from Delaware to agree with me—Senate Resolution 338 is vitally important to create now an important jurisdiction in the Committee on Rules and Administration.

Other Senators may not consider that to be the proper approach. There are some who believe that we should set up a so-called committee of elders to police our ethics and our conduct. The Senator from Kentucky [Mr. COOPER] has his own views as to how that should be done. The longer one sits in the Senate the greater is the possibility, if not the probability, that one's standards will be somewhat less high than those of newly elected Members of the Senate. At least we could have a different kind of committee. I would suggest that it be a committee of juniors rather than a committee of seniors.

Mr. WILLIAMS of Delaware. I thank the Senator from Pennsylvania for his observation. I disagree completely with it, even though I respect the Senator as a Philadelphia lawyer. But as one who has served in the Senate for 18 years with an average of 68 lawyers I have seldom seen any two of them agree on anything.

I am also reminded that when a case goes to court, under the law the judge must be a member of the bar.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. In a moment. The prosecuting attorney must be a member of the bar. The counsel for the defense must be a member of the bar. After these lawyers get the case sufficiently confused, they always call on 12 laymen to come up with the proper answer.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. In just a moment. As a layman I shall answer the Senator's question. I am also reminded of the fact that my good friend from Pennsylvania, who is a great lawyer from Philadelphia, likewise took the same position under the previously approved resolution that his committee had no authority to investigate Senators. By his later vote, when an amendment to that resolution was before the Senate, the Senator from Pennsylvania voted that he did not want such authority. He voted against giving the Committee on Rules and Administration such authority. That was his privilege. That has nothing to do with the pending question, so let us not discuss it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. In just a moment. Then I shall yield the floor. As a layman I learned long ago never to get into an argument with a Philadelphia lawyer, because the first thing one knows he has a bill for legal services, and today I do not need the advice.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. First, let us adopt the amendment which both the Senator from Pennsylvania and I agree not only would confer upon the committee the necessary jurisdiction but also, with that jurisdiction, would confer a responsibility to investigate charges that later may be brought before the committee. Whether under existing rules or under rules that might be adopted later, the authority would be conferred is beside the point. Let us vote on this amendment, and then both of us can discuss the other question later.

I promised to yield to my good friend, the Senator from New Jersey [Mr. CASE].

Mr. CLARK. Mr. President, will the Senator from Delaware indulge me for 30 seconds to make a reply?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. In my opinion, the Senate of the United States would have higher ethical standards if it had more chicken farmers and fewer lawyers in it.

Mr. WILLIAMS of Delaware. I do not know, we chicken farmers sometimes need to hire members of the bar.

Mr. DIRKSEN. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Delaware yield; and, if so, to whom?

Mr. WILLIAMS of Delaware. I yield to the minority leader.

Mr. DIRKSEN. Before the remark dies on the tree, I point out that that was an unfortunate statement for the Senator to make.

Mr. WILLIAMS of Delaware. I accepted it as a compliment.

Mr. DIRKSEN. But it was a reflection on the Senate. There are lawyers here. To contrast occupations and point out that one is more honorable than another I believe is an affront to the Senate, and the Senator ought to take the remark out of the RECORD.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. DIRKSEN. I do not have the floor.

The PRESIDING OFFICER. The Senator from Delaware has the floor. Does the Senator yield; and, if so, to whom?

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, will the Senator yield so that I may reply to the Senator from Illinois?

Mr. WILLIAMS of Delaware. I yield.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. CLARK. If anyone without a sense of humor wishes me to apologize or retract that statement, I am happy to do so.

Mr. DIRKSEN. Humor? Forty-eight thousand copies of the CONGRESSIONAL RECORD go out all over the country. High school students read it. College students refer to it. Perhaps they do not have a sense of humor. Certainly they do not have the benefit of the atmosphere of the U.S. Senate. The Senator ought to take the remark out of the RECORD.

Mr. WILLIAMS of Delaware. Mr. President, I am sure that no offense was intended. I shall ask unanimous consent that the reference to lawyers be stricken, but I also ask that the kind reference to me as a chicken farmer remain in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. CLARK. Mr. President, reserving the right to object, and I shall not object, I believe that we ought to have remain a laudatory reference to chicken farmers, but I have no objection to removing the alleged or so-called affront to members of the profession to which I am happy to belong.

Mr. CURTIS. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I promised to yield to the Senator from New Jersey. When he has completed his statement, I shall be happy to yield to the Senator from Nebraska.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from New Jersey.

Mr. CASE. I thank the Senator. If the Senator from Nebraska has any further remark to add to the persiflage which has been going on here, he might do so at this time. I intended to get to the substance of the question.

Mr. CURTIS. I wish to make one brief observation.

Mr. WILLIAMS of Delaware. I yield to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. The distinguished Senator from Delaware is a very distinguished farmer. He has been described as a chicken farmer. But I wish the RECORD to show that his knowledge is not confined to chicken feed. He has investigated questions involving hundreds of millions of dollars and even billions of dollars. I point out that in the case which brought about the investigation, Bobby Baker increased his wealth, by his own statement, from $11,000 to $2,200,000. So I wish to urge the fact that the distinguished chicken farmer from Delaware knows a great deal beyond chicken feed.

Mr. WILLIAMS of Delaware. Long ago I learned that one must take in as much from the sale of one's produce as he pays for his feed or he goes broke. I have tried to apply that same principle to the Government. I only wish that more Senators would join with me in that same procedure.

The Government cannot continue to spend more than its income without going broke, any more than can the individual.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. As one Senator—but I am sure that other Senators would join me—I should like to testify to the fact that while the Senator from Delaware might be a chicken farmer, he is not chicken. [Laughter.]

Mr. WILLIAMS of Delaware. Mr. President, I yield to the Senator from New Jersey.

Mr. CASE. I am happy to be associated with the Senator from Delaware in the cosponsorship of his amendment. I am glad indeed that we have the support of the Senator from Pennsylvania [Mr. CLARK] in the effort. The reason I am so pleased about the amendment is that it is a step, though a small one, for the resolution itself does not have great scope or great impact. Nevertheless it is a recognition of the fact that we have an affirmative responsibility in regard to the policing of the conduct of our Members, at least in certain specified areas.

The thing that has troubled me more and more as I have gone into this whole question is the apparent unwillingness of this body to take any action in regard to any conduct on the part of its Members. The result, of course, is that when we do not do it, nobody does it. Rationally we could not expect any bureaucrat downtown to question Members of the Senate. They must come to us for appropriations and other legislation. Unless we do the job, nobody will do it. If we do not get the idea that it is our responsibility, the institution will continue to go down in public esteem.

Therefore, I am happy to join the Senator from Delaware [Mr. WILLIAMS] in this affirmative evidence, small though it is, that the Senate will recognize its responsibility for policing itself.

Mr. WILLIAMS of Delaware. I thank the Senator from New Jersey.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Delaware.

Mr. JORDAN of North Carolina and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. JORDAN of North Carolina. I shall be happy to yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Is the Senate operating under controlled time?

The PRESIDING OFFICER. It is not.

Mr. JORDAN of North Carolina. I shall be happy to yield the floor, and then the Senator from Nebraska can obtain the floor in his own right, if he wishes to do so.

Mr. CURTIS. I thank the Senator.

Mr. JORDAN of North Carolina. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, the amendment offered by the distinguished Senator from Delaware has great significance. It is not merely an amendment to clarify language. It is an amendment that will determine the intent of the Senate. The proposal in its original instance provides that the Committee on Rules and Administration shall have authority to investigate.

The Senator from Delaware [Mr. WILLIAMS] would insert the words "and responsibility." This is the first opportunity for Senators to vote "yea" or "nay" on the shirking of the responsibility of the Rules Committee in the Baker investigation. That responsibility was not followed through.

Many months were spent, and not a single witness requested by the minority was called. Not all the facts were obtained that could be obtained. Let it be made clear that committees are not to hold jurisdiction merely for the purpose of consent or for failure to do something to prevent some other committee from actually investigating. Its jurisdiction was not properly exercised.

Let me mention some of the persons whose testimony was requested.

The minority made it abundantly clear all the way through these proceedings that the fact that we sought a witness implied no wrongdoing on the part of the witness. We were seeking information. We asked that Margaret Tucker Broome be called as a witness. She was Carole Tyler's predecessor as secretary to Bobby Baker. Bobby Baker took the fifth amendment over and over again. Carole Tyler took the fifth amendment. How are we going to find out what was going on in that office except by subpenaing other persons? Naturally we should call Baker's secretary during the period when he was amassing his ill-gotten gains. We were voted down and denied that right.

The investigator's report, supported by testimony from other witnesses, revealed that the witness Hill testified about paying cash kickbacks in Baker's office, in Government premises, month after month, taking large bills, and making a payoff for a vending contract he had with a Government defense contractor.

Baker and Tyler hid behind the fifth amendment. We asked that the previous secretary be called, and she was not called.

This is what the investigator's report states:

She—

Meaning Miss Broome—

seemed very reluctant to discuss her association with Baker and her knowledge of his activities, but probably could furnish more definite and detailed data if she made up her mind to do so. It is recommended that, in view of these circumstances, it might be desirable to subpena her before the committee and place her under oath.

That is what our own investigator said.

Let me make it clear that I make no indictment of this lady. She is a fine lady so far as I know. But individuals are reluctant to testify against other employees. That is natural. I make no condemnation of her. But those same persons, if called as witnesses, would do the right thing and answer all questions. This was not done. The Committee on Rules and Administration did not carry out its responsibility.

Senators now have an opportunity to either vote "nay," which means an approval of what the committee did, or vote "yea," and see that it does not happen again.

Another witness we tried to get was Rein J. Vander Zee. So far as I know, he is a fine individual, but we needed his information. The testimony by Walter J. Stewart and Boyd Richie was in conflict concerning a transaction in which Baker participated, involving an alleged kickback. In fairness to both those young men, we should have had before the committee other persons associated with them.

Then we asked for the testimony of Mr. Jessop McDonnell, who worked in Baker's office. We wanted to see what information he had. I remind Senators that Baker took the fifth amendment; and his secretary took the fifth amendment.

The investigator's files reveal that McDonnell was never really effectively interviewed by the staff, but he did tell the chief counsel, Mr. McLendon, that he, McDonnell, was solely responsible for the Baker investigation, and that Baker "hated his guts" and had him fired.

Here is a witness who said he was responsible for the Baker investigation. He worked in his office. His testimony was necessary. But as a part of this shameful procedure that forever will be a cloud upon the U.S. Senate—the refusal to investigate the Bobby Baker case—that witness was not called.

So again I say that it is important that Senators support the amendment of the distinguished Senator from Delaware, which declares that the Rules Committee not only has jurisdiction, but also responsibility.

With respect to Matthew McCloskey, he was an important political figure who seems to continue to construct many buildings. He attended a meeting in Bobby Baker's office. Other people were present. They talked about the stadium that was built in the District of Columbia, costing many millions of dollars. They talked about writing the performance bond. In the end, McCloskey was awarded the contract. Another man present got to write the performance bond. Mr. Reynolds, as broker, wrote the performance bond. Reynolds paid Baker a $4,000 kickback on that.

We should ask questions of the contractor, who knew about the transaction. We should ask the contractor what other aspects of the stadium building had any connection with this question. If there is an eager beaver out to make a fortune for himself, is he going to be content with the bonding business? How about the material men? How about the contractor himself? How about the others? The least we should do is call them in and ask them questions. In that way innocent people are cleared, and the facts are ascertained.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. Is it not also true, in connection with the stadium contract, that not only was there a $4,000 kickback to Robert Baker but also a $1,500 kickback to the secretary to the District Committee in the House and that canceled checks showing both those payments were presented to the committee? In addition, there was clear evidence before the committee that the payments were made in connection with getting the legislation through.

I note one memorandum that was called to the attention of the committee, dated September 14. This memorandum is on Robert Baker's stationery:

Don Reynolds called about stadium bill. See if you can get the bill that passed the Senate (also passed the House) which now has a resolution attached to it passed today. White House has assured that the bill will be signed.

There is a memorandum on Mr. Baker's stationery in connection with the stadium contract for which contract he received a $4,000 kickback—I do not know to whom it was addressed—urging that someone get busy to get the bill through. He stated that there was assurance that the President would sign the bill. What assurance and from whom did Mr. Baker get this promise?

The bill did go through. Mr. Baker received $4,000, and the clerk of the District of Columbia Committee of the House received $1,500. It was shown in the testimony before the Senator's committee that arrangements for the passage were discussed in Mr. Baker's office with Mr. McCloskey present.

The question was asked whether the actual payments were discussed at that time. We do not know, but I agree completely with the Senator from Nebraska that Mr. McCloskey could have been called in and asked whether the insurance contracts had contributed anything and why he had agreed to them. That left the question hanging in the air.

Mr. CURTIS. I make no implication about Mr. McCloskey, but he should have been called before the committee. The only reference was to a transatlantic telephone call made by an employee of the committee. No record was made of it. If there was, it was never delivered to the committee.

Mr. WILLIAMS of Delaware. The Senator is correct.

Mr. CURTIS. I am referring to the record of the transatlantic telephone call by an employee of the committee. The telephone call was made to Mr. McCloskey.

Mr. WILLIAMS of Delaware subsequently said: Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. Earlier in our colloquy the question was raised as to whether Mr. McCloskey knew about these payments; and both the Senator from Nebraska and I said that, so far as we know, he did not. It has been called to my attention that according to page 2135 of the committee hearings, this point was raised when the Senator from Pennsylvania [Mr. CLARK] stated to the committee that in talking with Mr. McCloskey he had confirmed that he did know of the payment to Mr. Baker.

I ask unanimous consent, with the permission of the Senator from Nebraska, that immediately following the previous colloquy the testimony as it appears on page 2135, which I have marked, be printed in the RECORD.

There being no objection, the excerpt from the testimony was ordered to be printed in the RECORD, as follows:

Senator CLARK. Let me ask you this. If Mr. McCloskey were to appear here as a witness, what in the world would you ask him that you have not already gotten out of his statement?

Senator COOPER. Well, I would submit that your discussion over transatlantic telephone would be rather limited. And it is just the kind of magnitude of this transaction, the whole framework of this testimony.

Senator CLARK. What would you ask him?

Senator COOPER. You want me to tell you what I would ask him?

Senator CLARK. Yes.

Senator COOPER. All right. I would ask him, one—these are questions that might lead into other questions—I would ask him if he knew that Mr. Baker was to be paid a part of the commission.

Senator CLARK. He has already said he did.

Senator COOPER. He said that. Second, if he knew what work Mr. Baker had done to secure the payment of $4,000 from Mr. Reynolds, services he performed.

Senator CLARK. He will say, "I understood Reynolds and Baker were in partnership in the insurance business."

Senator COOPER. Third, I think you would have to ask, in view of the fact that this kind of transaction has taken place, if he knew of any other transactions concerning Government contracts in which Mr. Baker——

Senator CLARK. He has already said he did not.

Mr. CURTIS. Another witness whom we tried to have called was Mr. Max Kampelman. He is a former employee of the U.S. Senate.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. LAUSCHE. Was Mr. McCloskey ever called?

Mr. CURTIS. McCloskey was never called. The request was made that he be called. That request was denied. A motion was made to call him; the motion was voted down. Mr. Max Kampelman is a former Senate employee. He was under the jurisdiction of the investigation. I understand that he is now a director and general counsel of the District of Columbia National Bank. This

banking institution received the first charter granted in the District of Columbia in 25 years. One of the officers of the bank had this to say about Baker:

Mr. Baker's position within the U.S. Government recommends serious consideration to the transaction, as he is a gentleman with innumerable friends and connections whose good offices in behalf of our bank would be very valuable in our growth.

This is the bank from which Baker made the unusual loan of $125,000, the full purchase price of his home in the exclusive Spring Valley section of Washington.

When a scandal occurs, there are always reports about it. Some of them no doubt are true, and some of them are without foundation. That is why a committee which has jurisdiction should assume the responsibility of a full investigation, to clear the innocent.

One of the reports was to the effect that some Senators had had a silent interest in the District of Columbia National Bank. That certainly reflects upon the Senate. I doubt if it is true of any of the 98 or 99 or even 100 Senators, but it was incumbent upon us to call the man and ask him, because not all the stock held by that bank, according to the records, reflects the true owners. That is shown by the testimony.

The minority had requested that Max Kampelman be called. That request was voted on and denied. We asked that Mr. Paul Aguirre be called. Information in the committee's files showed that Baker and Aguirre carried on certain business negotiations. Moreover, Baker contacted Mr. Paul Ferrero, Deputy Commissioner of FHA, in behalf of Mr. Aguirre. Baker and Aguirre made trips together. Baker and Aguirre, together with Ellen Rometsch and Carole Tyler, visited New Orleans for several days during the month of May 1963.

If called as a witness, Mr. Aguirre could have been asked about his knowledge of Baker's business and financial interests. He could have been asked what interests Baker had, or sought to acquire, for himself or others, in housing, gambling concessions, and other enterprises in the Caribbean area. Aguirre could have been asked whether or not Carole Tyler, while on the Senate payroll, traveled outside Washington to promote Baker's private financial interests. Aguirre could have been asked what part Ellen Rometsch or other like individuals, had in the promotion of Baker's financial interests or dealings with Government officials, Government contractors, and others.

That is important, Mr. President. Both Baker and Carole Tyler took the fifth amendment.

The majority also voted down our request to call Ferrero. Ferrero, Aguirre, and Tyler should have been called.

At this point in the debate I shall not go through the list of the other witnesses who were requested to be called, and with respect to whom requests were denied. A motion was made and the motion was voted down. The witnesses were not called.

After weeks of futility we reached a point where we decided there was no use to suggest that witnesses be called. Therefore the list of witnesses enumerated in the report is only a partial list. If some of those people had been called, their testimony would have opened up other avenues of possible information helpful to the committee.

I urge the Senate to adopt the Williams-Case amendment, because while I disagree with the necessity for the pending resolution, the Williams-Case amendment would be a mandate on the part of the Senate that if the Rules Committee is to have the jurisdiction, it should also have the responsibility. "Responsibility" is an important word in the English language. I believe the American people realize what it means.

I yield the floor.

THE ADMINISTRATION OF THE CIVIL RIGHTS ACT

Mr. GORE. Mr. President, during the present week a team of officials of the U.S. Government has been making a tour of several States, holding public meetings with school officials and other officials with respect to the administration, enforcement, or implementation—whichever is the correct word—of recently enacted civil rights law. The team was headed by Assistant Secretary of the Department of Health, Education, and Welfare, James M. Quigley.

I ask unanimous consent to have printed in the RECORD at this point an article which appeared in the Memphis Press Scimitar of July 22, an Associated Press article published in the Chattanooga Times the next day, an editorial which appeared in the Memphis Commercial Appeal of July 23, and a news article in the same paper of July 22, dealing with the visit of this team to Tennessee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Memphis (Tenn.) Press-Scimitar, July 22, 1964]

RIGHTS LAW A B C's TOLD TO SCHOOLS

(By Margaret McKee)

Compliance with the civil rights law will bring problems of school systems, but there must be compliance if Federal funds are to be received by the schools, James M. Quigley, Assistant Secretary of the Department of Health, Education, and Welfare, said in Memphis today.

Quigley was one member of a five-man team of Government officials who held meetings today with educators from Tennessee, Missouri, Mississippi, and Kentucky, at Hotel Peabody.

Quigley spoke to public school administrators on the civil rights law, while Francis Keppel, U.S. Commissioner of Education, addressed college and university presidents on the same subject.

MANDATE

Congress has handed down a clear mandate that Federal funds must not be used to subsidize discrimination, Quigley said.

HEW has the responsibility to see that programs which it administers do not include funds to schools not complying with the law.

These programs include vocational education, the National Defense Education Act and the Federal impact program.

School systems will be asked to furnish evidence of compliance, Quigley said.

ASSISTANCE

Congress has been asked for $8 million to set up programs to assist desegregation, he said. These programs would include teaching institutes and technical assistance from people who have been through desegregations.

Quigley was asked whether a school system which has desegregated only the first grade under court order would still receive funds for its secondary schools.

He said: "We would not second guess the court. Initially, we would be disposed to continue the funds if a school system is making a good faith effort to comply."

A Mississippi educator asked: "If there is no sign of compliance, can we expect Federal funds to continue this year?"

Quigley replied: "I can't guarantee that the funds will be forthcoming for the balance of the fiscal year we are now in."

The group held similar meetings in Little Rock and Houston, will go to Atlanta today, Charlotte, N.C., Friday.

[From the Chattanooga (Tenn.) Times, July 23, 1964]

REGIONAL SCHOOLS FACE FUND LOSS IF CIVIL RIGHTS ACT NOT FOLLOWED

MEMPHIS.—A Federal official said Wednesday the Government will act in "a positive fashion" to see that educational institutions comply with the Civil Rights Act.

James M. Quigley, Assistant Secretary of the U.S. Health, Education, and Welfare Department, said responsibility of seeing that provisions of the act are complied with rests with his department.

Quigley and four other Government officials met with school superintendents and college presidents from Kentucky, Mississippi, Missouri, and Tennessee to discuss application of the new law. Specific attention was given provisions for withholding Federal funds from educational facilities which practice discrimination.

If schools are to continue receiving Federal funds, Quigley said, there must be compliance with the civil rights law. He said Congress has handed down a clear mandate that these funds must not be used to subsidize discrimination.

Asked whether secondary schools would continue to receive funds where a school system has desegregated only the first grade under court order, Quigley replied:

"We would not second guess the court. Initially we would be disposed to continue the funds if a school system is making a good faith effort to comply."

Quigley said he "Can't guarantee that the funds will be forthcoming for the balance of the fiscal year" if there is no sign of compliance by schools this year.

Quigley said, under the new law, his department will ask each school district and educational institution if it is complying with the act.

"If it is, then it will be asked to furnish evidence," he said, "and if it is not, then on the basis of that we move ahead. We can't sit around and do nothing and wait for complaints to be filed."

[From the Memphis (Tenn.) Commercial Appeal, July 23, 1964]

WHAT TO EXPECT

Final passage of the 1964 Civil Rights Act came only 3 weeks ago, and already the Midsouth is being given a taste of what to expect.

Top officials of the Federal executive branch have come to Memphis to spell out in no uncertain terms the full implications of the law as it pertains to public education. Among those men are Francis Keppel, U.S. Commissioner of Education; Dr. David E. Price, Deputy Surgeon General in the Public Health Service; Keith Kelson of the National Science Foundation; John A. Cox,

Deputy Administrator of the Agriculture Department Extension Service, and James M. Quigley, Assistant Secretary of the Department of Health, Education, and Welfare.

It was Mr. Quigley who put the accent on "moving ahead" in obtaining swift compliance with the Civil Rights Act. The meeting here was with top educators from parts of Tennessee, Missouri, Mississippi, and Kentucky. Similiar briefings are being held in other major centers in the South.

The Health, Education, and Welfare Department, with Mr. Quigley as its spokesman, is making it crystal clear that an assortment of Federal funds can be cut off (generally within 30 days' notice) in public schools which do not obey the law. Apparently there will be no shilly-shallying in HEW. Mr. Quigley said, "We can't sit around and wait for complaints to be filed." In fact, the HEW official said that each school district will be asked directly if it is complying with the new civil rights legislation, and if there is an indication that it is not, then "on the basis of that we move ahead."

The brisk manner of aids from Washington is proof positive to those in doubt that the machinery of the Federal Government is turning, even while the last days of students' school vacation drift along.

It brings back to us the not too distant memory of Tennessee Senator ALBERT GORE'S last-minute attempt to gain modification of the Civil Rights Act in the section pertaining to cutoffs of Federal aid funds for programs in schools where signs of discrimination were found or suspected. The Gore modification effort went down to defeat in the Senate in the final few minutes left to him for debating this question—by a crushing 74-to-25 vote.

The civil rights bill was passed by the Senate that same night (June 20) by almost the same division of votes, 73 to 27. Senator GORE, for the reason given above, was among those voting "no."

A week and a half later differences from the previously passed House bill had been settled, the President signed it, and now the voice of the Federal Government is calling out across the land. The Midsouth listened in this week.

[From the Memphis (Tenn.) Commercial Appeal, July 22, 1964]

SCHOOLS FEELING RIGHTS ACT GRIP: FEDERAL OFFICERS ARE TAKING INITIATIVE TO IMPLEMENT COMPLIANCE

(By Kenneth Starck)

Educational institutions that do not comply with the Civil Rights Act must face the possibility of a cutoff of Federal financial aid, top Government official said in Memphis last night.

James M. Quigley, Assistant Secretary of the Department of Health, Education, and Welfare, said the responsibility of seeing that the provisions of the act are complied with rests with his Department.

"We can't sit around and do nothing and wait for complaints to be filed," he said. "We've got to move ahead."

Mr. Quigley said each school district and educational institution will be asked if it is complying with the act. If it is, then it will be asked to furnish evidence, and if it is not, then "on the basis of that we move ahead," he said.

Mr. Quigley, who made his comments in an interview last night, is in Memphis with four other top Government officials to discuss with educators from a four-State area the civil rights legislation as it affects education.

Accompanying him are Francis Keppel, U.S. Commissioner of Education; Dr. David E. Price, Deputy Surgeon General from the Office of Public Health Service; Keith Kelson of the National Science Foundation and John A. Cox, deputy administrator of the Federal Extension Service of the Agriculture Department.

The school officials, which will include college and university presidents and superintendents, will come from Tennessee, Missouri, Mississippi and Kentucky. Several hundred are expected at the meeting called by Anthony Celebrezze, HEW Secretary.

The meeting will be at 10 a.m. today at the Peabody.

Mr. Quigley said some educators are confused by the provisions of the act. Many, he said, believe that the legislation requires formal suits to be brought against a school district before the Government can step in.

If they do not comply, he said, a hearing would be sought and if the decision held the law was not being complied with, Federal moneys could be withheld after 30 days. The entire case would be subject to judicial review, he said.

The five-man team conducted a similar meeting yesterday at Little Rock and earlier appeared in Houston, Tex. They will go to Atlanta tomorrow and Charlotte Friday.

Mr. GORE. Mr. President, as a result of those meetings, educators in Tennessee and in other States have expressed concern that Federal financial assistance might be withheld immediately, or very soon, thus jeopardizing financing for the school year soon to begin.

I do not wish to raise again the entire issue of the civil rights law or even title VI of the law. That is not my purpose at all. Indeed, I do not now wish to raise any controversy. I wish only to express the hope that President Johnson and all the officials of the administration will give to Congress and to the people the fullest possible information about action taken or contemplated under the authority of title VI.

From statements attributed to Assistant Secretary of Health, Education, and Welfare James M. Quigley, it appears that Federal officials will act to withdraw financial assistance from educational systems if they determine that a school program, or any part thereof, is not in compliance with the recently enacted civil rights law. But how do school officials in my State know whether they are in compliance or not in compliance? I ask these questions because title VI of the Civil Rights Act provides as follows:

Section 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the Preisdent.

So far as I am able to learn, no rule, regulation, or order of general applicability, as required by the law, has been promulgated or has received the approval of the President. I am not urging haste in this regard. I realize that these are difficult problems and difficult questions that I raise, yet the people have a right to know.

I realize, too, that President Johnson has many difficulties with which to cope. Not only is he troubled over Vietnam and civil disobedience, but he has both General de Gaulle and Senator GOLDWATER to cope with now. It is not in a sense of adding to his burdens or in any sense to be critical of him or of any official of the administration that I speak. I wish to make it perfectly clear that I am trying to avoid raising any controversy or pointing a finger of criticism at anyone.

But the school officials of Tennessee and of several other States have been called together and warned that unless they comply with the law, school funds or Federal financial assistance for educational programs will be terminated.

There are many questions to be raised. I do not know if even Assistant Secretary Quigley yet knows exactly what will be deemed to constitute discrimination or what will constitute good faith compliance until the regulations and orders of general applicability are issued, and approved by the President, as required by the statute.

In my opinion, the school officials are entitled to know what will or will not constitute compliance with the law for the purpose of making a determination of whether to terminate aid. The law directs that action be taken if any person is "subjected to discrimination under" any program or activity receiving Federal financial assistance. But the term "subjected to discrimination" was not defined either in the bill or in the committee report. So far as I am aware, school officials still do not know what facts and circumstances will be deemed by Federal officials to constitute noncompliance with the law. Indeed, these Federal officials do not yet know themselves in the absence of promulgation of said rules, regulations, and orders with the approval of the President. Perhaps I will be pardoned for saying that this indefinite but broad grant of power was one of the persuasive reasons that I opposed enactment of the bill.

With the start of a new school term imminent, concerned school officials are entitled to know just how the Department of Health, Education, and Welfare and other Federal agencies which provide Federal financial assistance expect to proceed under the sweeping authority granted in the law.

During debate on the bill, many Senators stated their view that it was not intended that this authority be used punitively or arbitrarily, and that those who are making a good faith effort to eliminate discrimination would have nothing to fear from the law. But here again, the decision will rest upon the judgment of a Federal official who, in the final analysis, will decide, subject to the rules, regulations or orders of general applicability approved by the President, just what constitutes good faith as well as what constitutes discrimination, and what, thus, constitutes compliance. Moreover, such rules and regulations may be subject to change.

While I recognize, as I did during debate on the civil rights bill, the merits of the objective of eliminating discrimination in the expenditure of Federal funds, I opposed this title, as the Senate will recall, because I considered the language deficient from the standpoint of

definition of terms and procedures, because its implementation would unavoidably punish innocent beneficiaries for the acts or omissions of others over whom they have no control, and because of the possibility that educational opportunity, which is the necessary handmaiden of progress, would be greatly impaired by the termination of aid.

Title VI is broad in scope. Its coverage extends into almost every facet of our national life. Indeed, its full scope was not definitely prescribed by the bill. Though public programs other than education may be involved and affected, I am immediately concerned about application of the authority and mandate in title VI by those Federal departments and agencies which provide financial assistance to States, counties, and school districts, having in mind the commingling of Federal aid funds with State funds, county, and municipal funds under State laws.

The people of Tennessee have made great progress in the elimination of discrimination in our public education programs. This progress has been achieved with a minimum of discord and disturbance. We do not, however, yet have a public school system throughout Tennessee, or perhaps even throughout any county in Tennessee, which fully meets the requirements that could possibly be prescribed by regulations within the limits of the authority contained in the law.

I would anticipate that a period of transition or adjustment will continue for some time in some areas of Tennessee. The new school term is scheduled to begin shortly. Many citizens are concerned about the possibility that the authority of title VI may be used to terminate or withhold various forms of Federal financial assistance which support in significant degree the overall programs at State, county, and municipal levels, including education.

As I said in the beginning, school officials have let it be known that they are deeply concerned over the possibility that the funds may be cut off, thus jeopardizing the financial integrity of school programs, during the school year soon to begin.

Specifically, these officials and many citizens are concerned about the definition of "discrimination" in the regulations to be issued by various Federal agencies, and approved by the President in accordance with the act, and about the nature of the conditions which will be deemed to constitute discrimination by those who administer these programs.

For example, does lack of an integrated faculty constitute discrimination of the type which would be deemed to justify or require the withholding of aid from a school district, a county school system, or from an entire State? Shall a school against which no complaint has been lodged be deemed to be operating in compliance, or must a school district prove it is in compliance as Secretary Quigley has reportedly indicated?

I realize, as I said earlier, that these are difficult problems and questions. There is compelling need, however, for clarity and care in the administration of the act.

I hope that President Johnson and the heads of the various agencies providing financial assistance which flows in part to education will inform the Congress and inform the people of the action taken or contemplated.

Although I voted against enactment of Public Law 88–352, I have stated publicly my view that it constitutes the law of the land and should be respected as such.

I believe that this is the view of a great majority of the citizens of Tennessee. I believe, further, that respect for the law and compliance with its terms would be enhanced by full and candid disclosure of each step being taken by Federal officials in the development of procedures for its enforcement.

Many of the titles of the civil rights law rely for their implementation upon court proceedings, in most cases initiated by those who seek the protection of the law. Not so with title VI. Title VI will be implemented by administrative action of Federal officials acting pursuant to regulations adopted by their agencies after approval by the President.

In view of the importance of the overall subject, and particularly in view of the imminence of the beginning of a new school term, I hope that the Congress will soon have a detailed report of the actions thus far taken by various departments and agencies toward the promulgation of rules and regulations and orders of general applicability under the authority of title VI.

I do not speak for any Senator other than myself, but in behalf of the people of Tennessee I seek the fullest possible disclosure, in order that the people may know, in order that Senators may know, in order that public officials in my State shall know the actions which have been taken or which are proposed.

I should like to be advised of action proposed by any Federal department or agency with respect to the use of the authority and direction of title VI to withhold Federal financial aid for any educational program or activity affecting the State of Tennessee, or any county, municipality, or school system thereof.

AMENDMENT OF ALASKA OMNIBUS ACT

The PRESIDING OFFICER (Mr. BREWSTER in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 2881) to amend the Alaska Omnibus Act to provide assistance to the State of Alaska for the reconstruction of areas damaged by the earthquake of March 1964 and subsequent seismic waves, and for other purposes, which was, to strike out all after the enacting clause and insert: "That this Act may be cited as the '1964 Amendments to the Alaska Omnibus Act'."

SEC. 2. The Congress hereby recognizes that the State of Alaska has experienced extensive property loss and damage as a result of the earthquake of March 27, 1964, and subsequent seismic waves, and declares the need for special measures designed to aid and accelerate the State's efforts in providing for the reconstruction of the areas in the State devastated by this natural disaster.

SEC. 3. Section 21 of the Alaska Omnibus Act (73 Stat. 145) is amended by adding a new subsection (f) to read as follows:

"(f) Notwithstanding the limitation contained in subsection (f) of section 120 of title 23, United States Code, the Secretary of Commerce is authorized to make expenditures from the emergency fund under section 125 of such title for the repair or reconstruction of highways on the Federal-aid highway systems of Alaska which have been damaged or destroyed by the 1964 earthquake and subsequent seismic waves, in accordance with the Federal share payable under subsection (a) of section 120 of such title. The increase in expenditures resulting from the difference between the Federal share authorized by this subsection and that authorized by subsection (f) of section 120 of such title shall be reimbursed to the emergency fund by an appropriation from the general fund of the Treasury: *Provided*, That such increase in expenditures shall not exceed $15,000,000 in the aggregate."

SEC. 4. The Alaska Omnibus Act (73 Stat. 141) is amended by adding the following new sections at the end of section 50 thereof:

"NEW FEDERAL LOAN ADJUSTMENTS

"SEC. 51. (a) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Farmers Home Administration in Alaska as he finds necessary because of loss resulting from the 1964 earthquake and subsequent seismic waves, and he may refinance outstanding indebtedness of applicants in Alaska for loans under section 502 of the Housing Act of 1949 for the repair, reconstruction, or replacement of dwellings or farm buildings lost, destroyed, or damaged by such causes and securing such outstanding indebtedness. Such loans may also provide for the purchase of building sites, when the original sites cannot be utilized.

"(b) The Secretary of Agriculture is authorized to compromise or release such portion of a borrower's indebtedness under programs administered by the Rural Electrification Administration in Alaska as he finds necessary because of loss, destruction, or damage of property resulting from the 1964 earthquake and subsequent seismic waves.

"SEC. 52. The Housing and Home Finance Administrator is authorized to compromise or release such portion of any note or other obligation held by him with respect to property in Alaska pursuant to title II of the Housing Amendments of 1955 or included within the revolving fund for liquidating programs established by the Independent Offices Appropriation Act of 1955, as he finds necessary because of loss, destruction, or damage to facilities securing such obligations by the 1964 earthquake and subsequent seismic waves.

"URBAN RENEWAL

"SEC. 53. The Housing and Home Finance Administrator is authorized to enter into contracts for grants not exceeding $25,000,000 for urban renewal projects in Alaska, including open land projects, under section 111 of the Housing Act of 1949, which he determines will aid the communities in which they are located in reconstruction and redevelopment made necessary by the 1964 earthquake and subsequent seismic waves. Such authorization shall be in addition to and separate from any grant authorization contained in section 103(b) of said Act.

"The Administrator may increase the capital grant for a project assisted under this section to not more than 90 per centum of net project cost where he determines that a major portion of the project area has either been rendered unusable as a result of the 1964 earthquake and subsequent seismic waves or is needed in order adequately to provide, in accordance with the urban renewal plan for the project, new locations for persons, businesses, and facilities displaced by the earthquake.

"EXTENSION OF TERM OF HOME DISASTER LOANS

"SEC. 54. Loans made pursuant to paragraph (1) of section 7(b) of the Small Business Act (72 Stat. 387), as amended (15 U.S.C. 636(b)), for the purpose of replacing, reconstructing, or repairing dwellings in Alaska damaged or destroyed by the 1964 earthquake and subsequent seismic waves, may have a maturity of up to thirty years: *Provided*, That the provisions of section 7(c) of said Act shall not be applicable to such loans.

"MODIFICATION OF CIVIL WORKS PROJECTS

"SEC. 55. The Chief of Engineers, under the direction of the Secretary of the Army, is hereby authorized to make such modifications to previously authorized civil works projects in Alaska adversely affected by the 1964 earthquake and subsequent seismic waves as he finds necessary to meet changed conditions and to provide for current and reasonably prospective requirements of the communities they serve, at an estimated cost of $10,000,000.

"PURCHASE OF ALASKA STATE BONDS

"SEC. 56. The Housing and Home Finance Administrator is authorized to purchase, in accordance with the provisions of sections 202(b), 203, and 204 of title II of the Housing Amendments of 1955, the securities and obligations of, or make loans to, the State of Alaska to finance any part of the programs needed to carry out the reconstruction activities in Alaska related to the 1964 earthquake and subsequent seismic waves or to complete capital improvements begun prior to the earthquake: *Provided*, That the aggregate amount of such purchase or loan shall not exceed $25,000,000: *Provided further*, That the terms of repayment of such securities and obligations or loans shall be as follows: Repayment of the principal sum in fifty years from the date of the borrowing payable in equal annual payments beginning ten years after the money is lent at an annual interest rate not to exceed 3 per centum on the unpaid balance.

"PURCHASE OF HOME MORTGAGES

"SEC. 57. The Federal National Mortgage Association is authorized to repurchase at a cost not to exceed par any home mortgage insured by the Federal Housing Administration which is secured by property in Alaska which was lost, destroyed, or severely damaged as a result of the 1964 earthquake or subsequent seismic waves. Any such purchase shall be made from funds available to the Association for carrying out its special assistance functions pursuant to section 305 of the National Housing Act; except that the aggregate amount of such purchases shall not exceed $10,000,000."

APPROPRIATION AUTHORIZATION

SEC. 5. There is authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, which shall be available for obligation until June 30, 1967. There is also authorized to be appropriated such sums as may be necessary for the expenses of such advisory commissions or committees as the President may establish in connection with the reconstruction and development planning of the State of Alaska. The total amount authorized to be appropriated pursuant to this section shall not exceed $50,150,000.

TERMINATION DATE

SEC. 6. The authority contained in this Act shall expire on June 30, 1967, except that such expiration shall not affect the payment of expenditures for any obligation or commitment entered into under this Act prior to June 30, 1967.

REPORTING

SEC. 7. The President shall report semiannually during the term of this Act to the President of the Senate and the Speaker of the House on the actions taken under this Act by the various Federal agencies. The first such report shall be submitted not later than February 1, 1965, and shall cover the period ending December 31, 1964.

Mr. JACKSON. Mr. President, I withdraw the amendment to the House amendment which I proposed yesterday.

I now move that the Senate disagree to the amendment of the House to the bill, S. 2881, and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. HOLLAND. Mr. President, has this matter been cleared with the two Senators from Alaska? I do not see them in the Chamber.

Mr. JACKSON. I notified both Senators from Alaska that I intended to bring this question up.

Mr. HOLLAND. They have no objection?

Mr. JACKSON. I do not know about Senator GRUENING, but Senator BARTLETT has no objection. We have no alternative.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. GRUENING, Mr. KUCHEL, and Mr. ALLOTT conferees on the part of the Senate.

AMENDMENT OF ALASKA OMNIBUS ACT—POINT OF PERSONAL PRIVILEGE

Mr. GRUENING subsequently said: Mr. President, I rise to a point of personal privilege. My comments will relate to the distinguished junior Senator from Washington [Mr. JACKSON]. I called his office to notify him that I intended to speak on this subject, but I learned that he had left by airplane to go to his home State.

Earlier today, the distinguished senior Senator from Tennessee [Mr. GORE] yielded to the junior Senator from Washington at his request in order that the Senate might consider an amendment to the Alaska omnibus bill.

The Presiding Officer—the distinguished junior Senator from Maryland [Mr. BREWSTER] was in the chair—laid before the Senate the amendments of the House of Representatives to the Alaska omnibus bill, S. 2881. The following then took place:

Mr. JACKSON. Mr. President, I withdraw the amendment to the House amendment which I proposed yesterday.

I now move that the Senate disagree to the amendment of the House to the bill, S. 2881 and request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

Mr. HOLLAND. Mr. President, has this matter been cleared with the two Senators from Alaska? I do not see them in the Chamber.

Mr. JACKSON. I notified both Senators from Alaska that I intended to bring this question up.

Mr. HOLLAND. They have no objection?

Mr. JACKSON. I do not know about Senator GRUENING, but Senator BARTLETT has no objection. We have no alternative.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Washington.

The motion was agreed to; and the Presiding Officer appointed Mr. JACKSON, Mr. BIBLE, Mr. GRUENING, Mr. KUCHEL, and Mr. ALLOTT conferees on the part of the Senate.

I merely wish to record that I was not notified. No call was received in my office from Senator JACKSON. I knew that the Senator from Washington would call this amendment up sometime, but he did not notify me of the time. If he had, I would have been in the Chamber and would have sought and obtained permission to discuss this question so vital to Alaska further. That was clearly implicit in the remarks I made yesterday, when we were granted 5 minutes out of the time for debate on the poverty bill to discuss the amendments to the Alaska omnibus bill. I had hoped we might have had more time yesterday, but we were allowed only 5 minutes.

I concluded, when we were shut off, by saying that I hoped we would have time to discuss the question when both my colleague from Alaska [Mr. BARTLETT] and I could be in the Chamber. My colleague indicated at the time that he was in the Chamber and joined with me in the request for additional time.

I feel that this is an important issue and that we should not have been denied the opportunity to discuss it and to request a Senate vote on it. Certainly Alaska was entitled to this opportunity. Had I been notified, I should have stood on my right to be heard before any decision to send the bill to conference was reached.

The RECORD should show that I was not notified by Senator JACKSON specifically that the measure would come up when it did. I was in my office after some remarks I made earlier on the floor on another matter. I knew of course that the Alaska bill would come up, but I did not know at what time and was not apprised. Had I been, I would have been in the Chamber, prepared to argue for the acceptance of the House bill.

The Senators from Alaska have been denied that opportunity. The Senator from Washington decided to send the bill to conference. While I am a conferee, it is regrettable that I was precluded from first speaking in the Senate as I was clearly entitled to do, and that the Senator from Washington did not make certain that I was notified before he called up the measure, and ascertained what my views on his action on this Alaska bill were.

AMENDMENT OF RULE XXV RELATING TO JURISDICTION OF COMMITTEE ON RULES AND ADMINISTRATION

The Senate resumed the consideration of the resolution (S. Res. 338) amending rule XXV of the Standing Rules of the Senate relative to the jurisdiction of the Committee on Rules and Administration.

Mr. JORDAN of North Carolina. Mr. President——

The PRESIDING OFFICER (Mr. MCINTYRE in the chair). The Senator from North Carolina [Mr. JORDAN].

Mr. JORDAN of North Carolina. Mr. President, I do not intend to get into any

long harangue about the merits or demerits of this investigation, or the things which have been said on the floor of the Senate, but I should like to ask the Senator from Nebraska [Mr. CURTIS] one question, if he would be willing to answer it.

Mr. CURTIS. I shall be happy to do so.

Mr. JORDAN of North Carolina. I understood the Senator from Nebraska [Mr. CURTIS] to have stated that a "yea" vote on the pending amendment would be a vote of disapproval of the actions of the committee.

Mr. CURTIS. A "yea" vote would put the Senate on record as desiring to have the Committee on Rules and Administration assume the responsibility, if it has jurisdiction. It is my contention that it did not have jurisdiction on the last occasion. Therefore, I feel that anyone who wants the Committee on Rules and Administration to assume responsibility for an investigation should vote for the Williams amendment.

Mr. JORDAN of North Carolina. Mr. President, I do not agree with the position of the Senator on that point. However, I do not intend to argue the question. I do not think it is material. The very fact that the committee will have jurisdiction to investigate is ample. I think responsibility goes with any committee. There is no committee without responsibility. I believe the committee has acted with proper responsibility in carrying out its assignment.

Mr. President, I wish to read part III of the report of the Committee on Rules and Administration pursuant to Senate Resolution 212. The reason I shall not answer all the remarks that have been made is that the answers are contained in the report. The report speaks for itself. But I wish to read part III.

Part III reads as follows:

PART III: HOW THE WORK OF THE COMMITTEE WAS CARRIED ON

The committee met on October 23, 1963, to discuss the best method of carrying out the Senate directive. It was unanimously decided that this investigation should be carried out by the membership of the full committee. The committee held a number of executive sessions concerning personnel and procedures and among other things agreed: (1) to use all of the personnel on the full committee in the investigation; (2) to utilize, as needed, the majority and minority counsels on the staff of the Subcommittee on Privileges and Elections; (3) to engage a chief investigator with Federal Bureau of Investigation experience and to have at least one outside investigator recommended by the ranking minority member of the committee; (4) to authorize the chairman to engage outside counsel subject to confirmation by the committee; (5) to allow minority members to select associate counsel from minority staff or from outside; (6) to report Senate Resolution 221 authorizing $50,000 through January 31, 1964; (7) to negotiate with the General Accounting Office for the loan of one or more accountants; (8) to authorize the chairman to hire such additional personnel deemed necessary; and (9) to adopt rules of procedure governing the investigation.

The committee in its deliberations decided that an eminently qualified outside counsel who had no ties or connections with the U.S. Senate or Senate employees should be employed as general counsel to direct the investigation, particularly since the lawyers on the committee staff were Senate employees and would be covered by the resolution itself. The chairman of the committee on November 14, 1963, after careful search for a man of unimpeachable character, high integrity, and recognized ability, persuaded Maj. Lennox Polk McLendon to agree to become general counsel. The committee immediately unanimously approved the selection of Major McLendon and put him in charge of the investigation. An able and experienced lawyer was selected by the minority as associate general counsel.

The committee made every effort to obtain the best qualified men available as investigators. On November 6, 1963, the committee approved the appointment of Mr. William Ellis Meehan, a retired Federal Bureau of Investigation agent with 22 years' experience as chief investigator; Mr. Lorin H. Drennan, Jr., Assistant Director, Civil Accounting and Auditing Division, General Accounting Office, with 13 years' experience; Mr. Edward T. Hugler, supervisory accountant with 20 years' experience with the General Accounting Office; both of whom were loaned to the committee on a reimbursable basis to assist with the investigation. A third competent accountant from the General Accounting Office was used for a short period of time. The chief investigator, under the direction of the general counsel, was instructed to hire investigators with the highest integrity and proven ability, preferably men with Federal Bureau of Investigation training and experience. Fortunately, the committee, in addition to those men listed above, was able to obtain the services of three such trained investigators who had served a total of 54 years with the Federal Bureau of Investigation, one of whom also had served 15 years with the Central Intelligence Agency, as well as one trained investigator assigned by the minority who had 6 years' experience with the Federal Bureau of Investigation and 6 years with the Central Intelligence Agency.

Thus, a competent investigative staff with more than 139 years' experience in investigative work was assembled; they were hired because of their reputations and experience in investigating. No inquiries regarding political affiliation were ever made of any of the investigators. Under the direction of the chief investigator, they were free at all times to follow any leads that developed in the inquiry and to search diligently for evidence pertinent to the subject matter of Senate Resolution 212.

Investigative leads in this matter were obtained from multiple sources, including Senator JOHN J. WILLIAMS, other Senators, officers and employees of the Senate, newspaper and magazine articles, interested citizens, and interrogation of knowledgeable persons. These leads were carefully scrutinized and all parties appearing to have pertinent information were painstakingly interviewed by members of the investigating staff, and the results of the interviews immediately thereafter were reduced to written reports, prepared in triplicate, one copy delivered to the general counsel, one copy to the associate counsel appointed by the minority, and the third retained in the files for use of the chief investigator and other members of the staff. These interviews were also available to all members of the committee and were used as a basis for interrogation of witnesses by the full committee and to assist staff personnel in developing additional information from later interviews of the same or additional persons. These written reports were also used in making decisions as to whether the person so interviewed would be called for examination by the committee.

A system of indexing and filing was instituted whereby any pertinent information developed and recorded was capable of being located instantly for future use.

During the more than 6 months of active investigation, more than 200 individuals have been interviewed at length, and approximately 50 more have been interviewed twice and some even three times. Written reports of these interviews, numbering more than 245, have been prepared and placed in the files and studied by the legal staff.

Incidentally, those files are available. They have been available to every committee member, and to every person who has been mentioned today as having been interviewed. The records of interviews with the various persons are in the files and available.

I continue to read:

Sixty-six witnesses have been examined and five of these in both executive and public sessions. Records of 32 banks and finanical institutions have been carefully examined, analyzed, and evaluated. Information and assistance have been sought and obtained from a number of Government agencies. It is of some significance that of the total of 66 witnesses examined, all but 5 have appeared and testified voluntarily. In the course of the investigation extending to 31 countries, States, and cities, including Puerto Rico, the Dominican Republic, Haiti, Aruba, and Curacao, the committee has compiled a list of more than 800 individuals and organizations identified in interviews, or in public records, or in the public press as having some knowledge of the subject matter under investigation.

The committee has held 22 public sessions—4 of these consuming both morning and afternoon. A total of 53 witnesses have been examined in public sessions. It has met in executive session on 35 days and 8 of these meetings have been in both the morning and afternoon. More than 4,726 pages of testimony have been recorded in the public and executive sessions.

This enormous amount of work has been done by a relatively small staff consisting of the persons listed previously and five permanent staff members of the Rules Committee, including an associate counsel assigned by the minority.

The committee followed the practice of hearing witnesses in executive session or in open hearings, or both. Of the total number of 66 witnesses examined, 5 were examined in both executive and open hearings; 48 were examined in open hearings only and 13 were examined in executive session only and the transcripts of this testimony were thereafter made public. The committee can report that the testimony of every witness testifying before the committee has been made public. In each case of the examination of a witness in executive session, the same witness was examined in open hearing or, by unanimous consent or by a vote of the committee, the testimony in executive session was made public.

Mr. President, I do not see that the amendment of the Senator from Delaware [Mr. WILLIAMS] would add to the effectiveness of the resolution. It is uncalled for.

The very fact that the Committee on Rules and Administration has reported this resolution is evidence that the Committee on Rules and Administration is functioning. It is showing not only its jurisdiction, but also its responsibility.

Any committee that has jurisdiction over anything has certain responsibility. Every Senate committee carries out its responsibility. I do not care to debate the amendment. I would accept the amendment. I am willing to call off the yea-and-nay vote if the Senator so desires.

Mr. WILLIAMS of Delaware. Mr. President, I am glad the Senator from North Carolina will support the amendment. Let us stop debating what has happened in the past. Let us adopt the amendment. I ask for the yeas and nays.

Mr. DIRKSEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Delaware [Mr. WILLIAMS].

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. WALTERS], and the Senator from Arkansas [Mr. FULBRIGHT], are absent on official business.

I also announce that the Senator from California [Mr. ENGLE], and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. Moss], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. YARBOROUGH], the Senator from Tennessee [Mr. WALTERS], the Senator from Utah [Mr. Moss], the Senator from Indiana [Mr. HARTKE], the Senator from Michigan [Mr. HART], the Senator from California [Mr. ENGLE], the Senator from Oklahoma [Mr. EDMONDSON], the Senator from Indiana [Mr. BAYH], and the Senator from New Mexico [Mr. ANDERSON], would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON] and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 483 Leg.]

YEAS—82

Aiken	Cannon	Douglas
Allott	Carlson	Ellender
Bartlett	Case	Ervin
Bennett	Church	Fong
Bible	Clark	Gore
Boggs	Cooper	Gruening
Brewster	Cotton	Hayden
Burdick	Curtis	Hickenlooper
Byrd, Va.	Dirksen	Hill
Byrd, W. Va.	Dodd	Holland
Hruska	McGovern	Robertson
Humphrey	McIntyre	Russell
Inouye	Mechem	Saltonstall
Jackson	Metcalf	Scott
Javits	Miller	Simpson
Johnston	Monroney	Smathers
Jordan, N.C.	Morse	Smith
Jordan, Idaho	Morton	Sparkman
Keating	Mundt	Stennis
Kuchel	Muskie	Symington
Lausche	Nelson	Talmadge
Long, Mo.	Neuberger	Thurmond
Long, La.	Pastore	Williams, N.J.
Magnuson	Pell	Williams, Del.
Mansfield	Prouty	Young, N. Dak.
McCarthy	Proxmire	Young, Ohio
McClellan	Randolph	
McGee	Ribicoff	

NAYS—1

McNamara

NOT VOTING—17

Anderson	Engle	Moss
Bayh	Fulbright	Pearson
Beall	Goldwater	Tower
Dominick	Hart	Walters
Eastland	Hartke	Yarborough
Edmondson	Kennedy	

So the amendment of Mr. WILLIAMS of Delaware was agreed to.

Mr. JAVITS and Mr. CURTIS addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I offer an amendment which I send to the desk.

The PRESIDING OFFICER. The amendment offered by the Senator from Nebraska will be stated.

The CHIEF CLERK. It is proposed, on page 2, after line 2, to add the following:

Any member of the committee may request that a witness or witnesses be called to testify before the committee and all such requests shall be honored by the chairman.

Mr. CURTIS. Mr. President, I hope this amendment will be accepted. I shall not ask for the yeas-and-nays roll-call unless it is resisted, in which case I shall ask for them.

I do not cherish the responsibility of the Rules Committee to investigate Senators or Senate employees. I did not seek the job. It was thrust upon the committee. But if jurisdiction and responsibility are to be reposed in the committee, the right of an individual member of the committee to call a witness must be maintained. I believe other standing committees—I have one in mind—follow the practice of calling each witness that a Senator or member of the committee requests. This does not mean that the chairman or other members of the committee may not attempt to persuade him from calling a particular witness, if it will not serve a purpose, but it does mean that the right of a minority, the right of an individual Senator, to have a witness called is maintained.

I urge the adoption of the amendment.

Mr. JORDAN of North Carolina. Mr. President, I shall have to oppose the amendment. I would like to read rule XIX, under which the committee is operating at the present time:

Any member of the Committee may request that the Chairman direct one or more staff members to secure evidence and interview possible witnesses. Any member of the Committee may request that a witness be called to testify before the Committee in executive session. Such requests shall be honored by the Chairman unless he finds that the evidence in question, or interview of a possible witness or the testimony of the witness is irrelevant to the investigation, in which case the question shall be determined by a majority vote of the Committee.

Not only this committee, but any other committee, operating under what the Senator from Nebraska offers as an amendment, would be only a one-man committee. He could continue to call witness after witness. He could take the telephone book and call witnesses indefinitely. This rule operates as fairly as any rule could. The witness might be asked to come. He would be interviewed. His interview would be reported to the committee. If the chairman believes the testimony is not needed or is unnecessary, he can so rule. Then the committee can, by majority vote, determine whether the witness should or should not be called.

That procedure was followed absolutely throughout this entire case. In every case the majority ruled.

I cannot accept the amendment, because it would result in a one-man committee.

Mr. CURTIS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I rise in opposition to the pending amendment.

As the Senator from North Carolina has well said, if this amendment is adopted, we shall have eliminated, for the purpose of committee hearings, the salutary rule that the majority must prevail.

In the instant case the majority members of the Rules Committee did not concede to the minority members of the committee the right to call any witness which any member of the minority wanted to have called.

I assure my colleagues that we would have been in session in the committee until the first Tuesday after the first Monday in November if that had been done, for our friends on the minority side of the aisle had enough witnesses who allegedly knew something about the Baker case to keep the committee in session throughout the summer and fall. It would have been impossible to comply with the requirement of the Senate to bring back a report on certain activities which had been engaged in by certain employees of the Senate. We would, in fact, have been engaged in a committee filibuster which would have taken us through the summer and fall.

I am wholly in accord with the position taken by the Senator from North Carolina with respect to the pending amendment. If adopted with regard to the Rules Committee or any other committee of the Senate, it would be possible for one Senator to so filibuster on any bill. Nothing could be brought out of the committee, because that Senator could be in the position of calling witness after witness, whether or not the witness had anything to do with the pending matter, and the committee chairman would be without any power to resist the request of one member, and in the end all legislation would grind to a halt.

I hope the amendment will be defeated.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. LAUSCHE. Did the Senator give any consideration to changing the language with respect to the circumstances under which the committee should act? The language now provides that the committee, by a majority vote, may decide, contrary to the decision of the chairman, to call a witness. It provides that the chairman shall call a witness if one member requests that he be called. My thought is that when it is suggested that a witness be called, the chairman should call that witness unless two-thirds of the members of the committee decide otherwise. In that way we would eliminate the majority requirement which now exists, and would make mandatory the calling of the witness unless two-thirds of the members ruled to the contrary.

Mr. CURTIS. Rule XIX has nothing to do with this matter. Rule XIX is dead. It has gone out of existence. It is not a part of the Senate's standing rules. It has nothing to do with it. Clearly a Senator has a right to have a witness called in an investigation.

The remarks of the distinguished Senator from Pennsylvania, although brilliant, have nothing to do with this matter, and have no force whatever.

If the rule were adopted, he says, it would be possible to call witness after witness, and no legislation would ever be enacted. I propose an amendment to the paragraph requiring that the Rules Committee investigate Senators and Senate employees. It has nothing to do with legislation. It is not proposed as a rule for all other committees of the Senate.

Under our system of government there are other instances in which a majority rule does not prevail. It does not prevail in connection with cloture. It does not prevail with respect to jury trials. It does not prevail in connection with amending the Constitution. It does not prevail in a great many other instances. The Constitution provides that every State shall have equal representation in the Senate. If we charge a committee with investigating and then say that a Senator cannot have a witness called without a majority vote, we are wasting our time. It is not an investigation under those circumstances. It is a determination of what the majority wants. A two-thirds rule would not mean anything.

Mr. LAUSCHE. The Senator's amendment now reads:

> Any member of the committee may request that a witness or witnesses be called to testify before the committee, and all such requests shall be honored by the chairman.

Would the Senator accept language to provide that a witness or witnesses shall be called by the chairman unless two-thirds of the committee rule otherwise?

Mr. CURTIS. No. The committee voted down, 6 to 3, our requests. They voted them down over and over again.

Mr. LAUSCHE. Very well.

Mr. MANSFIELD. Mr. President, I do not believe that a proposal of this kind merits much in the way of explanation. I hope every Senator will read the amendment and think it through all the way. If we give this much power to one Senator on any committee, one Senator can stymie the work of this body. Already one Senator can do too much in the way of obstruction. I hope that the proposal will be defeated.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. CURTIS].

Mr. LONG of Louisiana. Mr. President, it was my honor at one time to serve on the Committee on Rules and Administration. It is a very fine committee. It is composed of great Senators. Having had the honor to serve there, I would not agree to vote for a rule for that committee which I would be unwilling to have apply to me as a member of some other committee. I am a member of the Committee on Finance. If there were such a rule in the Committee on Finance, it would be possible to defeat any tax bill any Senator wished to defeat.

There is a bill before the Senate now. Certain amendments were acted upon today. There will be further consideration of the bill. It would be completely within the power of a member of the Finance Committee, if such a rule existed in that committee, to bankrupt the country, if someone wanted to buy foreign bonds, because the purpose of the bill is to protect America's gold supply. It would be completely within the power of a Senator to do that, because any Senator could filibuster in the committee.

The Senate tells the Rules Committee to make its own rules. In fairness, why should we vote a rule to apply in the Rules Committee which we would be unwilling to accept for our legislative committees? I would not be willing to comply with such a rule in the Finance Committee, where I serve. I would not be willing to abide by any such rule in the Foreign Relations Committee, where it is my honor to serve. I do not believe that any committee chairman or any prospective chairman of a committee, whether he be a Democrat or a Republican, would be willing to comply with any such rule.

It seems to me to be completely unreasonable and unfair and, if I may say so, completely partisan to suggest that such a rule be aimed at a particular committee under a particular set of circumstances. If we have no respect for a committee, and believe it is unworthy, perhaps we would be willing to do something about that committee.

I suggest that if we brush aside the partisan passions of the moment, all of us will concede that there is no merit to the pending amendment.

Let me say—and I make this statement to my friend from Nebraska as an old filibusterer—that he must expect me to take advantage of any right to filibuster that he gives me. The amendment he suggests would give every Senator the right to filibuster in any committee, in addition to his right to filibuster on the floor.

Mr. CURTIS. Mr. President, the proposal does not relate to any legislative committee.

Mr. LONG of Louisiana. I do not believe the Senator would vote for such a rule to apply in the Finance Committee, of which he is a member.

Mr. CURTIS. I do not think so. The Senator from Virginia [Mr. BYRD] will call any witness that he is requested to call.

Mr. LONG of Louisiana. Not always.

Mr. CURTIS. Senators are responsible people.

Mr. LONG of Louisiana. Not always will the Senator from Virginia call a witness.

Mr. CURTIS. I do not know of any occasion when he has not done so.

Mr. LONG of Louisiana. Sometimes I have asked the chairman to call a witness from my State hoping that he would not call the witness.

Mr. CURTIS. Will the Senator yield for a unanimous-consent request?

Mr. LONG of Louisiana. Yes.

Mr. CURTIS. Mr. President, I ask unanimous consent, notwithstanding the fact that the yeas and nays have been ordered on my amendment, that I may modify my amendment to provide for a request by two Senators, rather than one.

Mr. LONG of Louisiana. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG of Louisiana. I ask the Senator not to make the mistake of giving a Senator an advantage over him without expecting the Senator to take advantage of him. If the Senator once gives that privilege to another Senator, that Senator can take advantage of his committee. That could happen if his amendment were agreed to. A Senator could talk as long as he wished.

I wish the Senator to know how I feel, because he would lock himself into a situation in which actions could be obstructed.

The Senator serves on the Finance Committee and on the Committee on Rules and Administration. He would do something to the Rules Committee that he would not suggest doing to the Finance Committee. He would do something to the Rules Committee that he would not suggest doing to any other committee. He wants me to give him unanimous consent to get out of a filibuster and avoid the sense of frustration. I appreciate the fact that he is sincere, but his amendment should be voted down, and I hope very much that the Senate will reject the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nebraska [Mr. CURTIS]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Tennessee [Mr. WALTERS], and the Senator from Indiana [Mr. HARTKE], are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY] and the Senator from California [Mr. ENGLE], are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the

Senator from INDIANA [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. Moss], and the Senator from Texas [Mr. YARBOROUGH], are necessarily absent.

I further announce that, if present and voting, the Senator from Texas [Mr. YARBOROUGH], the Senator from Tennessee [Mr. WALTERS], the Senator from Utah [Mr. Moss], the Senator from Indiana [Mr. HARTKE], the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. BAYH], and the Senator from New Mexico [Mr. ANDERSON], would each vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Colorado (Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER], are necessarily absent.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 34, nays 51, as follows:

[No. 484 Leg.]

YEAS—34

Aiken	Hruska	Prouty
Allott	Jackson	Proxmire
Bennett	Javits	Saltonstall
Boggs	Jordan, Idaho	Scott
Carlson	Keating	Simpson
Case	Kuchel	Smith
Cooper	McClellan	Symington
Cotton	McIntyre	Thurmond
Curtis	Mechem	Williams, Del.
Dirksen	Miller	Young, N. Dak.
Fong	Morton	
Hickenlooper	Mundt	

NAYS—51

Bartlett	Hart	Monroney
Bible	Hill	Morse
Brewster	Holland	Muskie
Burdick	Humphrey	Nelson
Byrd, Va.	Inouye	Neuberger
Byrd, W. Va.	Johnston	Pastore
Cannon	Jordan, N.C.	Pell
Church	Lausche	Randolph
Clark	Long, Mo.	Ribicoff
Dodd	Long, La.	Robertson
Douglas	Magnuson	Russell
Edmondson	Mansfield	Smathers
Ellender	McCarthy	Sparkman
Ervin	McGee	Stennis
Fulbright	McGovern	Talmadge
Gore	McNamara	Williams, N.J.
Gruening	Metcalf	Young, Ohio

NOT VOTING—15

Anderson	Engle	Moss
Bayh	Goldwater	Pearson
Beall	Hartke	Tower
Dominick	Hayden	Walters
Eastland	Kennedy	Yarborough

So the amendment offered by Mr. CURTIS was rejected.

Mr. JAVITS. Mr. President, I have an amendment at the desk on behalf of myself and the Senator from New York [Mr. KEATING], and I ask that it be read.

The PRESIDING OFFICER (Mr. McGOVERN in the chair). The amendment will be stated for the information of the Senate.

The CHIEF CLERK. At an appropriate place in the resolution, it is proposed to insert the following:

On page 1, line 4, delete "subparagraph" and substitute therefor "subparagraphs."

At the end of the resolution, add the following new subparagraph:

"(4) Such committee shall have jurisdiction and responsibility to render advisory opinions upon questions of ethics arising under the rules of the Senate when so requested by Members of the Senate or officers or employees of the Senate."

Mr. JAVITS. Mr. President, first, I wish to make clear that this amendment on behalf of myself and the Senator from New York [Mr. KEATING] has no relation to whatever party struggle may be going on with respect to the particular case which gave rise to this resolution. The amendment is based entirely upon my own experience as attorney general of my State, upon the experience of the State of New York in administering a code of legislative ethics, and upon subsequent study of how to make such a code work best.

Senators should separate this amendment in their own minds from any connotations in respect to the Baker case, and think about it only as a practical requirement in administering a code of ethics, because that is the only way in which it is possible to comprehend adequately what the junior Senator from New York [Mr. KEATING] and I are trying to accomplish in this amendment.

The pending resolution would charge the Rules Committee with administering a code of ethics. Such a code is contained in the next resolution which will be considered by the Senate. Taking up the pending resolution first is a little like putting the cart before the horse, but it is not for us to argue about how the Senators in charge of the resolutions desire to bring the matter up.

In installing the legislative code of ethics in New York, which I had the honor to install in 1955, the code having been passed in 1954, I found that one of the big problems was presented because of the gravity of the sanctions and penalties which were imposed. I invite the attention of Senators to the sanctions involved in the proposed new rule, which are recited on page 1:

In any case in which the committee determines any such violation has occurred, it shall be the duty of the committee to recommend to the Senate appropriate disciplinary action, including reprimand, censure, suspension from office or employment, or expulsion from office or employment.

Many Senators are lawyers, and they know that an indictment, even without a conviction, is often enough to ruin a man, let alone a public official. So if any of us should be unlucky enough to find a report made against him by the Rules Committee recommending some drastic remedy against him, whether the Senate ever acted on a recommendation to expel or not, it would destroy him as a public figure. We know that only too well. Perhaps even censure or reprimand would do just as much damage.

In view of the fact that we are vesting such vast power in a committee of human beings on questions which may often be really borderline questions, doubtful questions, or uncertain questions, I believe that the least precaution we should take is to ask the committee to render an advisory opinion to anyone who applies to it in good faith upon a given state of facts; and if it refuses to do so, there is nothing in our amendment which would make the committee do so. At least, we would have requested an opinion from the committee. We would have disclosed and presented to the committee a set of facts which vex us. If the committee chooses to do so, it may, in consultation with the person requesting the advisory opinion, determine that it shall be confidential or that it may be made public, or, as sometimes happens, it may be published without names being mentioned for the information of those who wish to be guided by a code.

Mr. CLARK. Mr. President, will the Senator from New York yield?

Mr. JAVITS. If the Senator will allow me to finish my thought, I shall then be glad to yield to him.

In New York we did exactly this when we installed the code. We appointed a committee, which received at least 50 requests in the first year for advisory opinions, with the subsequent blessing of every one to whom we gave such an opinion. A man does not wish to do anything that is wrong, but in the case of very doubtful and borderline questions the committee was extremely helpful. We had very few cases to deal with in terms of violations of the code.

I am glad to yield now to the Senator from Pennsylvania.

Mr. CLARK. Do I correctly understand that the Senators' proposed amendment would merely make it permissive for the Rules Committee to render an advisory opinion, but not mandatory?

Mr. JAVITS. That is our intention, but I yield to the experts if they believe that we have not carried it out. The Senator from New York [Mr. KEATING] and I consulted about it. That is what we desired to do.

Mr. JORDAN of North Carolina. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. JORDAN of North Carolina. I would have to object to that amendment. In the first place, I see no reason to turn the Rules Committee into a "father confessor" committee. I do not believe that the Rules Committee was set up to give advice on conduct, unless someone has disobeyed a rule. I do not believe that we should go into that business. Certain recommendations have been made in the report.

In 1958, Congress adopted a code of ethics. Guidelines were set up by Congress itself, and there are many reasons in them.

In 1962, Congress adopted a conflict of interest statute, applicable not only to the Senate, but also to the House of Representatives. There are plenty of rules and regulations to guide anyone in carrying out his duties without getting into trouble, if he will only read them.

I hope that this amendment will not be adopted. I do not believe the Rules Committee would wish to have this rule thrust upon it. I do not believe that the Rules Committee is capable of it, or wishes to do it.

I hope that the Senate will reject the amendment.

Mr. JAVITS. Mr. President, I send to the desk the amendment, as modified, which I shall be happy to read to the Senate.

Such committee shall be authorized to render advisory opinions in writing upon questions of ethics arising under the rules of the Senate when so requested by Members of the Senate or officers or employees of the Senate.

I wish to make clear for the legislative history that we are making it crystal clear that there is no mandate upon the committee.

Mr. CLARK. Mr. President, in other words, the amendment, as modified, now is permissive but not mandatory authority to render a written opinion. The committee would not have to do so if it did not wish to do so.

Mr. JAVITS. The Senator is exactly correct. Also, the committee could impose any conditions it might choose, such as keeping it confidential or publishing it.

Mr. COTTON. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. COTTON. I should like to inquire of the Senator from New York, to make sure that I understood the real purport of his amendment, or at least the set of circumstances which he has in mind. If, for example, a complaint were made against a Senator, and it were known; and, if it were considered by the Rules Committee and discussed in the press, if hearings were held, yet nothing happened, the Senator who, by inference, had questions raised as to his honesty and reputation would have the right to come forward and publicly request that he be advised by the Rules Committee as to what its decision is and whether it has found anything against him. Is that what the Senator has in mind?

Mr. JAVITS. That is not exactly it. There is a possibility of its being used for that purpose. What we had in mind was that when a Senator or an employee faces a state of circumstances which leaves him in doubt as to whether or not there would be a violation of the new code of ethics, which I assume will be adopted sooner or later, within the broad powers given to the Committee on Rules and Administration, the person might come in in advance and ask the committee to give him an opinion as to whether, in its judgment, on a given state of facts there would or would not be a violation of the rule.

It is always possible, also, to ask for such an opinion in the course of a proceeding. The committee may or may not give an opinion. That was not the fundamental idea that Senator KEATING and I had.

Mr. COTTON. The Committee on Rules and Administration would want to be fair to all Senators. But it is possible and conceivable that a certain procedure could be entered upon and become public knowledge, and then dropped. Would the Senator's amendment, in addition to doing what he has explained it is designed to do—to let any Senator initiate an inquiry about a course of procedure—in case the procedure is aborted and not carried to its conclusion, and a Senator's reputation has, perhaps unintentionally, been harmed, provide that he may avail himself of this procedure so that the public may know he has initiated a request for the Committee on Rules and Administration to give him an opinion?

Mr. JAVITS. Yes. That is my opinion.

I yield to my colleague.

Mr. KEATING. Mr. President, I reiterate what my distinguished colleague has said about the need to consider this amendment and the question of conflicts legislation separate and apart from the handling of the Bobby Baker case. Long before any of the recent events took place, both of us introduced proposals responsive to the need for a legislative code of ethics.

Our amendment, in effect, empowers the Rules Committee to assume the responsibilities of an ethics committee.

Every day Members, officers, and employees are confronted with questions regarding ethical conduct. No conflict-of-interest legislation or code of ethics could possibly cover every given situation without becoming so rigid as to inhibit our performance. It is in our interest to have a committee which would be in a position to render advisory opinions as these questions arise. As such it would serve a function similar to that performed by the ethics committees of our various professional societies and organizations.

I fully support the amendment of rule XXV to authorize the Committee on Rules and Administration to investigate alleged violations of Senate rules and to recommend disciplinary action, and hope this amendment to enable the committee to render advisory opinions for the guidance of Members, officers, and employees will have the approval of the Senate.

Mr. JAVITS. Mr. President, I thank my colleague. I believe this to be the kind of amendment that the Senator in charge of the bill can accept. But under the circumstances, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. After the New York code of ethics had been in effect for about 9 years, Governor Rockefeller appointed a very distinguished special committee on ethics to review its operation and to submit a report. The committee was headed by Cloyde Laporte, a former president of the New York State Bar Association.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the text of the recommendations in that report, dated March 8, 1964.

There being no objection, the text of the recommendations was ordered to be printed in the RECORD, as follows:

TEXT OF THE PROPOSALS IN ETHICS REPORT

ALBANY, March 8.—(Following is the text of the recommendations contained in the report of the special committee on ethics, submitted today to the senate and assembly:)

REPRESENTATION OF PRIVATE INTERESTS

Practice before State agencies

We recognize that members of the legislature and legislative employees are required by the demands of their constituents to maintain frequent liaison with State agencies and to seek appropriate action with respect to countless administrative requests. We do not seek to discourage this traditional practice and consider it an essential part of their duties so long as it is done with propriety and without compensation.

We do, however, recommend that members of the legislature and legislative employees be prohibited from practicing or appearing before most State agencies for compensation.

We would except from this prohibition practice before the department of taxation and finance and the division of corporations and State records in the department of state and practice involving claims for workmen's compensation, disability benefits, and unemployment insurance. These exceptions seem necessary and appropriate to avoid impinging upon the right of a large number of professional people to pursue important and normal aspects of their private callings.

We would also except representational activity which is incidental to a larger employment or in which the action of the agency is primarily ministerial.

Finally, to avoid hardship to clients as well as to their representatives, we are recommending a provision which would exempt pending matters from the prohibition.

We do not imply by our recommendations that the appearance of legislators before agencies of the government in behalf of private interests necessarily involves the exercise of undue influence. We recognize, however, that State administrators are in many respects subject to the control of the legislature, which approves their budgets, including their salaries, and may change or limit their jurisdiction. These circumstances provide an appearance of impropriety which is almost as damaging to public confidence as actual impropriety would be.

PRACTICE BEFORE THE COURT OF CLAIMS

We recommend that members of the legislature and legislative employees be prohibited from practicing before the court of claims.

The adoption of this recommendation would bring the practice in the State of New York into accord with the Federal rule which, for over a century, has prohibited Members of Congress from practicing in the U.S. Court of Claims. The jurisdiction of the New York court of claims, like that of the U.S. Court of Claims, is limited to cases in which the Government is the defendant and involves solely the award of public funds.

In the city of New York councilmen are prohibited from appearing as counsel or giving opinion evidence against the interests of the city in any litigation to which the city or an agency thereof is a party. Our recommendation in this respect, we believe, would counteract any impression on the part of the public, however unjustified it may be, that members of the legislative branch of government have a special advantage over others in representing claimants. This recommendation is in no way intended as a reflection upon the integrity, fairness, or impartiality of any judge or any member of the legislature.

As in the case of State agencies, we have suggested a provision which would exempt pending cases.

We believe that the recommendations relating to the prohibition of practice by members of the legislature and legislative employees before State agencies and the court of claims, if adopted, would greatly enhance public confidence in the legislature.

GIFTS, TRAVEL, ENTERTAINMENT, AND HOSPITALITY

We recommend that there be added to section 73 of the public officers law a new subdivision prohibiting members of the legislature and legislative employees from soliciting or accepting gifts of substantial value, including loans, travel, entertainment, and hospitality, under circumstances in which it could be reasonably inferred that the gifts were intended to influence, or could reasonably be expected to influence, the performance of of-

ficial duties or were intended as a reward for official action. The recommended prohibition would extend to those who give as well as to those who receive.

DISCLOSURE

Financial interests in regulated activities

We recommend that the provisions of section 74(3)(j) of the public officers law requiring the disclosure of direct or indirect financial interests in regulated activities be transferred to section 73, which would make its violation punishable as a misdemeanor, that the $10,000 minimum interest requiring disclosure be eliminated and that a requirement of annual filing be established.

Legislative rule concerning disclosure of financial interests

We recommend adoption by the legislature of a rule requiring any member having a substantial financial interest, not shared by the general public, in a legislative proposal to file a statement before promoting or opposing the proposal. The same requirement would apply where the interest is that of the legislator's client or of someone with whom the legislator has an employment, business or family relationship and where the legislator is aware of the existence of such interest. These statements would be open to public inspection.

We considered the advisability of recommending disclosure as a condition precedent to voting on proposals before the legislature. However, a large number of bills are introduced and voted upon in each session of the legislature covering a wide variety of subject matter. In the closing days of a session a legislator must rely upon committee recommendations with respect to many bills; he may not be able to analyze every bill to be certain that no conflict exists. We therefore concluded that a requirement of disclosure prior to voting would place an undue burden on legislators.

We also considered whether there should be a rule prohibiting voting where a conflict of interest exists. This would not only be difficult for the reasons above stated, but it would preclude many classes of citizens such as farmers from being represented by persons who were sent to the legislature partly for the purpose of voting in favor of their interests. Moreover, since a majority of all members is required to pass a bill, a failure to vote amounts to a vote against a bill. To prohibit voting would, therefore, in effect compel negative votes.

STATE ETHICS COMMISSION

We recommend the establishment of a State ethics commission consisting of six members, three appointed by the Governor and three elected by the legislature in joint session. The commission's function would be to render advisory opinions upon request interpreting legislation and rules relating to ethics. The services of the commission would be available to all State officers and employees, so that uniformity of ethical standards may be achieved.

This proposal would provide machinery for continuing guidance on ethical standards and for the development of a meaningful body of case-by-case precedents. It would also provide a method by which persons, unjustly accused of improper conduct, could obtain vindication.

In 1954 the legislature, recognizing the need for an agency to perform this function, established an advisory committee in the department of law. This advisory committee, composed of able and distinguished citizens, has made its services available to the attorney general. If the single centralized agency which we propose is established, the functions of the advisory committee will no longer be necessary.

OTHER PUBLIC OFFICERS

In accordance with the concurrent resolution, we have confined our proposals principally to ethical standards as they affect legislators and legislative employees. We believe that the principles underlying our recommendations are generally applicable to other public officers, and we suggest that this subject is a proper one for further legislative action.

Mr. JAVITS. One of the recommendations of that committee was precisely the technique suggested here. The tighter such a code is, the more necessary it is that there be an opportunity to obtain an advisory opinion.

I believe that is advisable, in view of the strong penalties involved in the pending resolution. I urge my colleagues to consider how severe the penalties are, and the effect that every Senator knows they will have on another Senator, if the Senator is not convicted, but merely involved. This is the very minimal precaution we ought to take in respect to the administration of such a rule.

I very much hope that the amendment will be approved.

Mr. JORDAN of North Carolina. Mr. President, I must object to the adoption of the amendment on the same grounds as before. The Committee on Rules and Administration does not want to be the conscience of the Senate. If any Member or employee of the Senate wants to know about a legal matter, let him consult a lawyer. If he has a moral problem, he should see the Chaplain. We do not want to start judging what is right and what is wrong.

The guidelines have been set out in the resolution, and in the code of ethics which was adopted by the Senate a year or two ago. The conflict-of-interest statute, which is available and printed, speaks very plainly. If one cannot read, he should not be in the Senate. I must object to the amendment.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. JORDAN of North Carolina. I yield.

Mr. KEATING. The problems that are presented here are not specifically within the jurisdiction of the lawyer or the Chaplain. One goes to the lawbooks or the lawyer to see whether a matter is legal. One goes to the Chaplain for spiritual and moral guidance. This question of ethical conduct is both within and without the competence of either.

A Member may have the greatest desire in the world to do the right thing. He may be overscrupulous about what he is proposing to do.

But without guidance on the interpretation of Senate rules and advice on ethical questions he is exposed to the risk of violating the Rules Committee's interpretation of such rules. In the original plan which we set up in our resolution, a joint commission composed of Members of the Senate and House was established to render these advisory opinions. Now it is proposed to vest the Committee on Rules and Administration with such duties. It seems to me to be entirely reasonable. It would not be required under the amendment to make a decision if it felt that it should not. But, at least it is a body to which one could go to seek advice as to what is within the bounds of ethics, not criminal, not spiritual in connotation, but something that is within the interpretation of the rules as the Committee on Rules and Administration determines them. It seems to me to be a highly reasonable proposal.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. Mr. President, there is another tribunal to which a Senator goes, and that is before the people of his State.

Are we to look upon this body as a group of children? I hope everyone realizes that to be elected a Senator of the United States, one must be at least 30 years of age. I hope we all recognize the fact that when we go home we have to make a report to our constituents. They know about us. I would not want to place myself at the mercy of one particular committee which has power to lay down an interpretation of rules and procedures. The people back home pass judgment on all of us. Also my colleagues in the Senate collectively can and do pass judgment on each one of us.

If the power were given to a committee on a discretionary basis, it would in my opinion, be placed in the hands of a staff, because that is the way some of the committees of the Senate operate.

Mr. JAVITS. Mr. President, in answer to the majority leader, for whom I have not only great respect but also great affection, I should like to point out that the resolution brought in by the majority would give power to that committee far exceeding the power to render an advisory opinion. It would give the committee power to destroy any Member of the Senate.

Mr. MANSFIELD. It would, indeed.

Mr. JAVITS. It would, indeed. Therefore, every Member of the Senate is entitled to have warning. That is altogether too serious a power to give any one committee without giving the same committee at least the authority to give the necessary warning to a Senator.

I am not speaking in the abstract on this subject. I have installed and administered a legislative code of ethics. I speak from hard experience. Let us remember that what has agitated the situation is the Baker case—not the case of a Senator who was elected, but the case of an employee of the Senate, who was not elected. Those employees by the hundreds may very well need to avail themselves of just such a service as the proposed provision would authorize the committee to give.

One other thing has been pointed out in the debate I believe very clearly, and that is that the committee will not give any such opinions unless some such amendment as the one proposed is adopted. Obviously the sentiment is that this is not the committee's job. I believe it is someone's job; and if we are going to give the committee the responsibility and the authority, we should give them the other power that goes with it in order to see that the authority is fairly used in fairness to every Senator and employee.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. JAVITS. I yield.

Mr. HOLLAND. Did I correctly understand the Senator a few minutes ago, to say that the response of the committee may be confidential, and kept so?

Mr. JAVITS. It may.

Mr. HOLLAND. By what logic does the Senator defend a procedure under which a small group in the Senate would be entrusted with knowledge about one, or several, of their colleagues, which knowledge would be withheld from others?

Mr. JAVITS. The opinion would be an advisory opinion with respect to a particular person issued at his request. Therefore it would not fall within the ambit of a public hearing record in a case in which there had been an accusation and a judgment arrived at after deliberation and confrontation by both sides. The proposal calls for a guideline or a guide, if the committee should choose to give it, for the conduct of a Senator or a Senate employee.

If we were to require the opinion to be made public, we would vitiate the possibility of obtaining an advisory opinion which would be useful.

In other words, one seeking such an opinion might not have done anything. He might be seeking guidance as to whether he could do something. Yet if his inquiry were disclosed, the public might assume that he had done something.

In the case of advisory opinions under the legislative code in the State of New York, the proposed procedure has been the practice. It is also true of advisory opinions in various other types of cases.

Government departments keep very large amounts of information confidential with the full concurrence of the Congress, because it would be unfair to a particular company or to a particular individual to reveal such information. That is the procedure in respect to the Patent Office, the Federal Trade Commission, and the Department of Justice; and it is true with respect to other agencies of the Government.

It is true for the very same reasons. As I have said, it is entirely in the committee's discretion. If one should ask for an advisory opinion, the question would be left to the committee. The person making the inquiry would run the risk that the committee might make it public. But I am sure that if the committee were given the authority, it would not abuse it.

Mr. HOLLAND. Do I correctly understand the Senator from New York to say that the discretion as to whether a response would be made public or not would be wholly within the committee, and not at all within the control of a Senator who might address such a question to the committee?

Mr. JAVITS. Unless the Senator agreed with the committee in advance that if he requested an advisory opinion the committee would give it to him confidentially; but it would be within the discretion of the committee.

Mr. HOLLAND. I thank the Senator. I find highly objectionable the proposal to keep confidential the results of the committee's work when the submission is made. I do not see how that kind of practice could possibly be defended in the general conduct of the Senate. How would the rest of the Members of the Senate know whether a particular practice was, in the judgment of the committee, objectionable if it were confined to the knowledge of the committee and the one Senator who had addressed the question to the committee and very carefully kept confidential? It seems to me that on every ground that I have been able to think of, that kind of practice would be highly prejudicial, instead of helpful, to the Senate.

Mr. JAVITS. I am sorry, but I cannot agree with the Senator from Florida. What he has stated runs counter to the practice on this subject which has been pursued by myself and by many others, and which has worked very well.

Normally such advisory opinions are published in instances in which the committee is willing to maintain confidence, without disclosing the name of the party concerned. The opinions thus become good guidelines for many other people.

Mr. CASE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. CASE. It seems to me that the proposal is desirable. In a bill which several of us have sponsored for a long time there is a provision for a committee to investigate these questions, and, as we envisage it, the committee would not only recommend proposed legislation, but also it would deal with particular subjects that might be brought to it for advice.

I commend the Senators from New York.

Is not the proposal very much like the functioning of a grievance committee in that a part of its work consists of receiving questions sent to it by lawyers in respect to questions ranging from the propriety of a business card up to much more serious questions? Such committees publish rulings and decisions on those questions without disclosing the name of the inquirer, thereby building up precedents and guidelines for others. Is that not so?

Mr. JAVITS. That is exactly correct. I hope Senators have heard every word that the Senator from New Jersey [Mr. CASE] has said. What he said was inherent in my thinking, though I did not refer directly to bar association procedures. Bar associations in every major center of the country practice exactly in that way through their grievance committees. Advisory opinions are given and then published without revealing the source of the request. That practice is effective and helpful to lawyers. The advisory opinions are published in legal publications throughout the country as a part of the implementation of the canons of ethics of the American Bar Association and the various bar associations of the States and localities.

Mr. President, the proposal is a reasonable provision. I am thoroughly in favor of codes of ethics. My colleague [Mr. KEATING] and I have sponsored bills for that purpose continuously. We are in thorough sympathy with the efforts of the Senator from Pennsylvania [Mr. CLARK], the Senator from Delaware [Mr. WILLIAMS], the Senator from New Jersey [Mr. CASE], and those others who have been leading the fight. The proposal is one way in which to make it practicable and workable without grave danger to our own colleagues and our employees. I hope the Senate will vote the amendment into the resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York.

Mr. JAVITS. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Oregon [Mr. MORSE], and the Senator from Tennessee [Mr. WALTERS] are absent on official business.

I also announce that the Senator from Massachusetts [Mr. KENNEDY], and the Senator from California [Mr. ENGLE] are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. MOSS], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

I further announce that, if present and voting, the Senator from California [Mr. ENGLE], the Senator from Indiana [Mr. HARTKE], and the Senator from Tennessee [Mr. WALTERS] would each vote "nay."

On this vote, the Senator from Texas [Mr. YARBOROUGH] is paired with the Senator from Indiana [Mr. BAYH].

If present and voting, the Senator from Texas would vote "yea" and the Senator from Indiana would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

On this vote, the Senator from Colorado [Mr. DOMINICK] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Colorado would vote "yea" and the Senator from Maryland would vote "nay."

On this vote, the Senator from Kansas [Mr. PEARSON] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Kansas would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 37, nays 48, as follows:

[No. 485 Leg.]

YEAS—37

Allott	Case	Douglas
Bennett	Church	Fong
Boggs	Clark	Gore
Brewster	Cotton	Hart
Carlson	Dodd	Hruska

Humphrey	Mundt	Smathers
Jackson	Nelson	Smith
Javits	Neuberger	Symington
Jordan, Idaho	Pell	Williams, N.J.
Keating	Proxmire	Williams, Del.
Kuchel	Ribicoff	Young, Ohio
McGovern	Scott	
McIntyre	Simpson	

NAYS—48

Aiken	Hickenlooper	Metcalf
Bartlett	Hill	Miller
Bible	Holland	Monroney
Burdick	Inouye	Morton
Byrd, Va.	Johnston	Muskie
Byrd, W. Va.	Jordan, N.C.	Pastore
Cannon	Lausche	Prouty
Cooper	Long, Mo.	Randolph
Curtis	Long, La.	Robertson
Dirksen	Magnuson	Russell
Edmondson	Mansfield	Saltonstall
Ellender	McCarthy	Sparkman
Ervin	McClellan	Stennis
Fulbright	McGee	Talmadge
Gruening	McNamara	Thurmond
Hayden	Mechem	Young, N. Dak.

NOT VOTING—15

Anderson	Engle	Moss
Bayh	Goldwater	Pearson
Beall	Hartke	Tower
Dominick	Kennedy	Walters
Eastland	Morse	Yarborough

So the amendment offered by Mr. JAVITS (for himself and Mr. KEATING) was rejected.

Mr. COOPER. Mr. President, I send to the desk an amendment in the nature of a substitute.

The PRESIDING OFFICER. The amendment will be stated.

The Chief Clerk proceeded to state the amendment.

Mr. COOPER. Mr. President, I ask unanimous consent that the Senate dispense with the reading of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered. Without objection, the amendment will be printed in the RECORD at this point.

The amendment, ordered to be printed in the RECORD, is as follows:

Strike out all after the resolving clause and in lieu thereof insert the following:

"That no Member of the Senate, and no officer or employee of the Senate should have any direct or indirect financial or other interest, or engage in any business transaction or professional activity, or incur any financial or other obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest.

"SEC. 2. (a) There is hereby established a permanent select committee of the Senate to be known as the Select Committee on Standards and Conduct (referred to hereinafter as the "select committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the President of the Senate. The select committee shall select a chairman and a vice chairman from among its members.

"(b) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

"(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that for select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The select committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

"SEC. 3. (a) It shall be the duty of the select committee to—

"(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

"(2) recommend to the Senate by report or resolution disciplinary action to be taken with respect to such violations which the select committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

"(3) render advisory opinions upon questions relating to standards of conduct when so requested by Members, officers, or employees of the Senate;

"(4) recommend to the Senate, by report or resolution, such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

"(5) report violations of any law to the proper Federal and State authorities.

"(b) The select committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

"SEC. 4. (a) The select committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable.

"(b) Upon request made by the members of the select committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the select committee may receive compensation at an annual gross rate which exceeds by more than $1,600 the annual gross rate of compensation of any individual so designated by the members of the committee who are members of the minority party.

"(c) With the prior consent of the department or agency concerned, the select committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the select committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

"(d) Subpenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

"SEC. 5. The expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

"SEC. 6. As used in this resolution, the term 'officer or employee of the Senate' means:

"(1) an elected officer of the Senate who is not a Member of the Senate;

"(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

"(3) the Legislative Counsel of the Senate or any employee of his office;

"(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

"(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

"(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

"(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate."

Mr. COOPER. Mr. President, the amendment which I have offered in the nature of a substitute is on the desks of all Senators. I wish to modify my amendment.

Mr. COTTON. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. COOPER. I modify my amendment by striking out paragraph 3 of subsection 3(a), and renumbering the succeeding paragraphs.

The PRESIDING OFFICER. The Senator modifies his amendment accordingly.

Mr. COOPER. Mr. President, my substitute would amend the resolution which has been reported by the Committee on Rules and Administration, Senate Resolution 338. I am a member of the Rules Committee. In committee I offered as an original resolution the text of the amendment I have now offered. Senate Resolution 338 was then proposed as a substitute by Senator CLARK and was adopted by the committee by a vote of 6 to 3, on party lines.

I speak to the Senate today on this subject, not in a partisan way, but to ask Senators to consider Senate Resolution 338, and the substitute that I offer, on their merits. Senate Resolution 338 provides that the Rules Committee henceforth shall have jurisdiction to investigate any violation of the rules of the Senate by a Member or employee of the Senate and make appropriate findings of fact and conclusions with respect thereto; and if it determines that such a violation has occurred it shall recommend to the Senate appropriate disciplinary action, including "reprimand, censure, suspension from office or employment, or expulsion from office or employment."

Mr. President, I would like to state the objective of the substitute that I offer. First, in the event that an investigation into the affairs of a Member of the Senate or an employee becomes necessary, it is to give assurance that the investigation would be complete and, so far as

possible, would be accepted by the Senate and by the public as being complete.

Second—and this is important to all Members and to all employees of the Senate—it is to provide that an investigation, which could touch their rights and their offices as well as their honor, would be conducted by a select committee which by reason of its experience and its judgment, would give assurance that their right and honor would be justly considered.

I do not say this in derogation of the work of the Committee on Rules and Administration, of which I am a member. I respect the chairman and fellow members. But as a member, I know that certain questions arose during the Baker investigation about the completeness of the investigation.

The experience of the committee dictates that it would be better for such investigations to be conducted by a select committee.

My substitute resolution provides that a select committee of six Members of the Senate shall be appointed by the President of the Senate; that three members shall be selected from the Democratic Party and three from the Republican Party; that the select committee shall have the authority to receive complaints of illegal and unethical conduct by a Member of the Senate or an employee of the Senate; and that it shall, if in its judgment it found it should do so, investigate such complaints; and then if required, recommend to the Senate proper disciplinary action.

A committee which has such great power should be able to separate the wheat from the chaff, to investigate that which would deserve to be investigated, and to discard frivolous complaints which do not deserve to be investigated.

A select committee of the type my substitute amendment contemplates would have the prestige and experience to properly exercise its great authority. It would, of course, have authority, if it found it to be necessary after conducting an investigation, to report to the Senate and to recommend such disciplinary action as it found to be necessary.

Under either of the resolutions, Senate Resolution 338 or my substitute, the Senate could take action by way of expulsion or censure of a Member of the Senate or an employee of the Senate. Either resolution proposes a heavy burden on the committee that shall propose such action—whether it be the Rules Committee or the select committee.

That is about it, Mr. President. The choice is whether we wish to assign such great authority and power to a standing committee—in this case the Rules Committee, which has a number of housekeeping tasks to perform, or whether the Senate wishes to give this vast authority to a select committee appointed by the President of the Senate; a committee which, I am sure, would be composed of Members of experience and of such prestige and standing that this body and the country at large would have the greatest respect for their action.

In saying that, I do not derogate the membership of the committee of which I am a member. I am merely setting out what all of us know to be true. There is a precedent for my proposal. In 1954, when the case of the late Senator McCarthy was before the Senate, a select committee was appointed by the President of the Senate. It was composed of three Republicans and three Democrats, named by the Vice President.

The Members were Senator Francis Case, now deceased; Senator Carlson, who sits in this body with us today; Senator Ervin, who also sits in this body with us today; former Senator Edwin C. Johnson, of Colorado; our colleague, Senator Stennis; and former Senator Arthur W. Watkins, of Utah.

During the debate which preceded the establishment of that committee it was made clear that it should consist of three Republicans and three Democrats, to remove any possibility or charge that the decision of the committee would be partisan.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. LAUSCHE. I wish the Senator from Kentucky would identify the particulars in which he feels the proposed select committee, composed of three Republicans and three Democrats, could operate more effectively and objectively than the Committee on Rules and Administration as it is now constituted.

Mr. COOPER. In the first place, the Committee on Rules and Administration might be termed a housekeeping committee. It has quite a number of duties. The jurisdiction of the Committee on Rules and Administration relates to the payment of money out of the contingent fund of the Senate; matters relating to the Library of Congress and the Senate Library; statuary and pictures; acceptance or purchase of works of art for the Capitol; the Botanic Gardens; the management of the Library of Congress; the purchase of books and manuscripts; and the erection of monuments to the memory of individuals.

Its jurisdiction relates to matters pertaining to the Smithsonian Institution; the Senate restaurant; and the administration of the Senate Office Buildings and the Senate wing of the Capitol.

It also has a highly responsible jurisdiction with respect to corrupt practices and corrupt elections.

The Committee on Rules and Administration, and its staff, is occupied with the matters under its jurisdiction. I believe that a committee charged with the responsibility of standards of conduct for Members and employees should not have other duties.

A second reason for the establishment of a select committee may be found in the criticisms of the Baker investigation. I am not now debating about the investigation, but it has been argued in the Senate and in the news media throughout the Nation that the investigation was not complete; and there have been charges of partisanship.

Mr. PASTORE. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I shall yield in a moment; I should like to finish what I started to say on this subject.

The formation of a select committee composed of six members, three Democrats and three Republicans, would remove the charge of partisanship. Such a charge can never be wholly removed; but we know that a select committee, equally divided, would remove any substantial charge of partisanship.

We know there are Members of the Senate—I could name them, and other Senators could name them—who, if named to a select committee such as I propose, would stick to their jobs, as the old saying is, until the infernal regions freeze over.

The McCarthy incident shook the emotions of the country and of the Senate. Yet the Senate appointed six Members, whose names I have given. When they had finished their report, even though the Senate did not unanimously support their recommendations, there was great confidence among Senators that those men had, without partisanship, done their full duty. That is my point for saying a select committee should be appointed.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PASTORE. I invite the Senator's attention to section 3, subsections (2) and (5), of his amendment. I wish to make an observation concerning those two subsections:

(2) Recommend to the Senate by report or resolution disciplinary action to be taken with respect to such violations which the select committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred.

(5) Report violations of any law to the proper Federal and State authorities.

I think the committee would be further removed from any political arena if there were inserted the words "by a vote of at least four members."

Mr. COOPER. There would be such a vote.

Mr. PASTORE. There would not necessarily be, because if one member were absent or sick, the majority would be three under those circumstances, and the majority could be either three Republicans or three Democrats.

Mr. COOPER. I shall be glad to consider that point.

Mr. PASTORE. There should be a provision that the vote shall be by a majority of at least 4 members. When it comes to violations and the reporting of violations of law, there should be a vote of at least four members.

Mr. COOPER. I have just inserted at the beginning of paragraphs (2) and (4) of section 3(a), which the Senator has read, "by a majority vote"——

Mr. PASTORE. Not by a majority vote.

Mr. COOPER. "By a majority vote of the full committee." That would be a vote of four members.

Mr. PASTORE. By a majority vote of the full committee?

Mr. COOPER. Yes.

Mr. PASTORE. I accept that.

Mr. COOPER. I have given two reasons why I feel that a select committee would be preferable to the Rules Com-

mittee, or any other standing committee: First, because it would have no other duty. Second, I believe the appointment by the President of the Senate of six members, three from each party, selected as he saw fit, would best serve the objects of the resolution. It would afford great prestige, and deter possible violations.

Third, we are considering the selection of a committee that will deal with the office and honor of an employee—or of a Member of the Senate. Such a committee would have a vast responsibility and a select committee, drawn from our 100 Members, would be able to discharge their great responsibility with judgment and justice.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. McCLELLAN. I should like to have some clarification of the first paragraph of the Senator's amendment, which states:

> That no Member of the Senate, and no officer or employee of the Senate, should have any direct or indirect financial or other interest, or engage in any business transaction or professional activity, or incur any financial or other obligation of any nature, which is in conflict with the proper discharge of his duties in the public interest.

What does that mean? What property can I own? What action can I engage in and not be in violation of this section? I do not know what the language means.

I pay income taxes. Am I not entitled to receive income? I might vote to reduce taxes. If I have income, would I be voting against the public interest if I voted to reduce my income tax?

Mr. COOPER. The entire paragraph is modified by the last clause: "which is in conflict with the proper discharge of his duties in the public interest."

Mr. McCLELLAN. What would be my interest?

Mr. COOPER. It is impossible to foresee every case that might arise. Nobody foresaw the Baker case. If there were a select committee, it would have the experience and the wisdom, if any substantiated complaint were made, to determine if there was an actual conflict of interest.

Mr. McCLELLAN. There are probably a few Senators who own a few shares of stock in banks or stock in small corporations in their communities.

Mr. COOPER. I do not believe the language would have anything to do with that.

Mr. McCLELLAN. A Senator might own a farm. We vote on farm legislation. I do not know how this language could be resolved. I would not be willing to vote for so broad and undefinable a provision as this, without knowing what kind of interpretation would be placed on it. I think that language could well be stricken from the amendment and the resolution would still be pretty good. I am not opposed to having a select committee do this kind of work.

I am opposed to such broad definitions in this amendment that I do not know, when I transact a little business, whether I am in conflict with this declaration or not. I believe that we had better be a little careful. I believe that we should be allowed to engage in the normal course of business activities in earning a livelihood and still remain in the Senate without being guilty of committing some act in conflict of interest. If not, it behooves a Senator to divest himself of any property he may own, and all income except what he receives from the Federal Government while serving in the Senate. I believe that this amendment needs clarification. It needs to be taken out.

Mr. LAUSCHE. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I should like to reply to the Senator from Arkansas first.

I appreciate the question of the Senator from Arkansas. The last clause in the paragraph should stay in—"which is in conflict with the proper discharge of his duties in the public interest."

Mr. McCLELLAN. Who is going to determine that?

Mr. COOPER. The committee. If some allegation were to be made of improper conduct, the committee, in its judgment, would have that as its task. That is the task that would be given to the Rules Committee, if Senate Resolution 338 should be adopted, as well as to the Select Committee under my substitute.

Mr. McCLELLAN. To the Rules Committee; yes.

Mr. COOPER. This is whittling away at my amendment. Even with it out, what I am proposing to do would still be taken care of by the resolution.

Mr. McCLELLAN. I did not know what interpretation would be placed on a given financial transaction or some indirect financial interest, which might be construed by some to be in conflict with my public duties.

I believe that my situation is no different from that of any other Senator, but I do not know about all Senators. What income can I have outside, without running the risk of being in conflict with my public duty? As I pointed out, we all pay an income tax. Suppose we vote to reduce the income tax. Perhaps that was not actually in the public interest, although our judgment at the time was that it was. Would I have violated this provision when I do so?

I have a direct financial interest in the tax structure because I am earning an income and am a taxpayer. Who can say that I am in conflict with my own interests when I vote to reduce taxes? I use that as an illustration. I do not believe that we wish to go that far.

Mr. HICKENLOOPER. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. HICKENLOOPER. I should like to ask the Senator from Kentucky a few questions about section 6. In that section, he refers to the term "an elected officer of the Senate" and to a number of other categories. I believe that Nos. 1, 2, 3, and 4 should raise no particular question, but are all of the Capitol Police employed by the Senate under authority of the Senate, or does the House have something to do with that activity?

Mr. COOPER. I make that clear.

Mr. HICKENLOOPER. The point is, have we——

Mr. COOPER. Their compensation is paid by the Secretary of the Senate from the disbursing office.

Mr. HICKENLOOPER. I understand that, but let me complete my question. The point is, have we exclusive jurisdiction over those people to the point that would be attempted by this amendment, when the House has concurrent and equal jurisdiction in their employment, but the Senate Disbursing Office is used only as a matter of financial convenience? I believe that is clear.

Consider category No. 6. I am not so sure whether employees of the Vice President are under the exclusive jurisdiction of the Senate, or whether they are under his office under the law.

If so, what jurisdiction would we have when the office of the Vice President might have jurisdiction over the personnel—that is, the employment, termination of employment, and so forth?

We come next to subsection 7. This amendment attempts to include in the term "officer or employee of the Senate," "an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate."

I give the Senator an example. The Joint Committee on Atomic Energy is created by statute. It is authorized to employ its own employees. The Senate has nothing to say about the employment or discharge of its employees. For the sake of convenience, the disbursing office of the Senate pays the bills.

I submit that the Senate has no such exclusive jurisdiction over those employees. That joint committee is on its own, and hires and fires. It might have a strong impact if the Senate recommended that something be done about some employee, but I do not believe that either the House or Senate acting alone could operate in that kind of situation, or exercise jurisdiction where I do not believe such jurisdiction rests.

I believe that those are rather important conclusions or attempted conclusions in this amendment. I join the Senator from Arkansas [Mr. McCLELLAN] in my questions about the all inclusive verbiage in the first paragraph of the amendment.

Many Senators own farmland. When they vote on any farm program, say, to increase payments, they are voting on something which will directly affect them. There are countless other similar situations. I wish to join the Senator from Arkansas in questioning the desirability of that section.

While I have the Senator's attention, I should like to call his attention to the fact that he referred to the so-called McCarthy investigation and the special committee which was set up. I believe that historians, looking objectively at that investigation, will not place it very highly. As the Senator will recall, that committee labored and came back with two phases to its report. First, it criticized Senator McCarthy for failure to cooperate with a former Congress, not

the Congress in which he was doing the criticizing, but a former Congress which had expired and gone.

Second, it criticized Senator McCarthy because he had used criticizable language with respect to a certain Army major.

What happened?

On the floor of the Senate, the committee itself moved to strike the second recommendation which it brought in, and it moved on the floor of the Senate to substitute a completely different, almost extraneous, criticism, that Senator McCarthy had, in effect, insulted certain Members of Congress. And he had. There is no question about that.

But it can be reached under another situation. So I am not so sure that an objective examination of that record would show any great productive result from that particular committee, although the criticism was directed at him by majority vote in the action of the Senate.

I believe that we are getting into a "mare's nest" of complication and confusion, I am sorry to say to the Senator. I think very highly of his views on various measures; but I believe this one involves a complication which would be difficult to straighten out.

Mr. COOPER. My response is, first, that all of us in the Senate at that time—and both the Senator from Iowa [Mr. HICKENLOOPER] and I were in the Senate then—agreed wholeheartedly that the best way to conduct the investigation into the affair was by the appointment of a select committee. It was voted overwhelmingly. The proposal was made by Senator Knowland, who insisted that only six members be appointed, three from each party.

My arguments to the Senator from Iowa are these: Looking ahead, if we give some committee the authority to conduct investigations, we wish to appoint a committee which, free from partisanship, will carry out that duty. Second, a select committee, because of the experience and prestige of its members, would protect the rights and the honor of employees and Members of the Senate committee.

Mr. HICKENLOOPER. Again, I invite attention to the last three items under the definition of terms. I seriously question the exclusive jurisdiction of the Senate over those employees. Two of them involve congressional jurisdiction with regard to employees. The third one is a statutory setup.

Mr. COOPER. With regard to the Joint Committee on Atomic Energy employees?

Mr. HICKENLOOPER. Yes.

Mr. COOPER. Someone is responsible for them, and the amendment states if they are paid by the Senate.

Mr. HICKENLOOPER. I suggest that if the question of investigating the shortcomings arises, as to any employees subject to the jurisdiction of Congress, it would involve cooperation of the House and the Senate. That is the only way there could be overall jurisdiction of those people.

I do not raise any question as to the last three items. But I do not agree with the validity of the proposition that merely because the Senate Disbursing Office pays their wages every 2 weeks, that gives us exclusive jurisdiction, or that we can declare exclusive jurisdiction over them when they are under the joint jurisdiction of the House and the Senate.

That involves a legal question.

Mr. COOPER. If they were not officers or employees they would not be covered by my substitute.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. DOUGLAS. I find myself in hearty agreement with the general purpose of the Senator from Kentucky. The question which I ask is purely for clarification. With reference to section 6, paragraph 2, which provides that this committee shall have jurisdiction over the actions of an employee of the Senate, any committee, or subcommittee of the Senate, or any Member of the Senate, I ask whether employees of party staffs are intended to be included as employees of the Senate. One such office is that of secretary to the majority; another is the secretary to the minority. There is a political staff for the majority, and a political staff for the minority. They are paid from public funds. Are they regarded as employees of the Senate, and hence under the jurisdiction of the committee, or are they party employees and under the jurisdiction of their special caucuses?

Mr. COOPER. It is intended that they should be covered as employees of the Senate.

Mr. DOUGLAS. I thank the Senator.

Mr. CURTIS. Mr. President, does the Senator yield?

Mr. COOPER. I yield.

Mr. CURTIS. Mr. President, I much prefer the Cooper substitute over the original resolution. What appears to be happening is the vesting of certain control and direction in some committee over the conduct of Senators and employees. I do not believe that this control should be vested in any standing committee of the Senate. They are created for different purposes. Their selection on the committee is for different purposes. If this is to be done, it should be a small select committee named for that purpose—a sort of blue ribbon panel.

I commend the distinguished Senator from Kentucky [Mr. COOPER] for offering it as a substitute for the one before us. I do not feel that the authority proposed should be lodged in the Committee on Rules and Administration, or any other standing committee. It should be a select committee that has no other responsibilities and is named for that purpose. I intend to support the substitute as against the resolution.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of Delaware. I think the Senator from Kentucky has made an excellent suggestion, that there be a select committee with equal representation of each political party. We are dealing with a question of how to handle these problems when they come up in the future, when we may again have a resolution, as we had a year ago, in connection with the question involving the propriety of the action of a Member or some employee. If we were to adopt the resolution of the Senator from Kentucky we would have a select committee to handle any complaint on strictly nonpolitical lines.

We have a precedent for that. When we established the McCarthy committee about 10 years ago there were questions raised as to whether that committee, divided equally, could come back with a nonpolitical recommendation. I think everyone will agree—whether or not he agrees with the recommendation of the committee—that the committee functioned in a nonpolitical manner. I believe there was a unanimous report to the Senate.

There is another precedent. We all know that incidents of corruption are not peculiar in either political party. There was the Teapot Dome scandal in the 1920's. It so happened that our political party was in power at the time.

I remember that at that time President Coolidge immediately removed that investigation from the political arena by appointing Owen J. Roberts, a Republican and a former U.S. Supreme Court Justice, and Atlee Pomerene, a Democrat and a former Senator from the State of Ohio. Those two men worked with the congressional committee and were empowered to prosecute anyone involved in the scandals. As a result of that investigation a member of the Cabinet was sent to the penitentiary.

There are many precedents for handling such investigations on a strictly nonpolitical basis. The recommendation of the Senator from Kentucky merits the consideration of the Senate. It should be adopted.

In answer to the question raised by the Senator from Iowa [Mr. HICKENLOOPER] about the employees who are paid by the Senate Disbursing Office, I think I am correct in stating that the Cooper substitute carries the same interpretation as was placed upon the employees in the resolution adopted last year authorizing an investigation in the so-called Baker episode. That resolution covered all employees of the Senate who receive their pay through the disbursing office of the Senate.

I do not think we run into any jurisdictional problem as far as the House is concerned. Whether the first paragraph mentioned by the Senator from Arkansas should be in or not is a question which the Senator from Kentucky could better determine. Frankly, I am inclined to believe that it involves a decision of the committee itself. If they felt they needed regulations or rules after they were established they could adopt them or make a recommendation to the Senate. I am not too sure but that by adopting this section now, we would be taking over the functions of the committee in advance. Certainly this resolution is a great improvement over the committee version which we have before us at this time.

This is said with no reflection on the Committee on Rules and Administration any more than it was a reflection on the

Committee on Rules and Administration when the Senate established a select committee to deal with the question of the censuring of the late Senator Joseph McCarthy, of Wisconsin. I think, without criticizing anyone, we would all feel more confident if we had a select bipartisan committee, handling these problems.

I strongly urge the adoption of the Cooper substitute.

Mr. COOPER. I thank the Senator. Referring to the first paragraph, as a practical matter, I believe that a select committee investigating a certain set of facts and circumstances could determine if a conflict of interest existed. The language of the first paragraph is modified by the clause which reads as follows: "in conflict with the proper discharge of his duties".

Nevertheless, the remainder of the amendment would establish a select committee. The first paragraph is not relevant to the establishment of the committee.

Section 3 describes the kind of complaints that this select committee can investigate. So, I have regard for the suggestions of the Senator from Delaware [Mr. WILLIAMS] and the Senator from Arkansas [Mr. MCCLELLAN] who have done a great deal of work in this particular field.

If there is doubt in their minds about its meaning, I will modify my substitute by striking the first paragraph, and renumbering the succeeding sections.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. McCLELLAN. Do I correctly understand that the Senator has modified his resolution by striking the first paragraph to which I referred in my colloquy a while ago?

Mr. COOPER. Yes; I have so modified the amendment.

Mr. McCLELLAN. May I ask the Senator one other question?

Mr. COOPER. Yes.

Mr. McCLELLAN. With respect to subparagraph (3) of section 3, I believe that has been rejected by the Senate.

Mr. COOPER. I struck out that paragraph. It is not included in the substitute.

Mr. McCLELLAN. That has been stricken?

Mr. COOPER. Yes.

Mr. McCLELLAN. The first paragraph has been stricken and subparagraph (3) of section 3 has been stricken.

Mr. COOPER. Yes; when I called up the amendment I modified it by striking paragraph (3) of section 3(a) for two reasons: First, the Senate had just voted on the question; second, on reflection, I thought that we do not need an advisory opinion to determine our course of action.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. KEATING. In the light of the statements made by the distinguished Senator just now, I do not suppose there is any likelihood that he might change his views. But it occurred to me that the inquiries addressed to the Senator from Kentucky by the Senator from Arkansas were about the most effective argument for the need of somebody to render advisory opinions that I have heard. The inquiries to the Senator were whether a certain course of conduct was proper or not. I can understand that the Senator from Kentucky might feel that the question has been already passed upon and that his amendment should be revised to eliminate that feature. However, what we were passing upon was the question of giving the Committee on Rules and Administration that authority. I wonder if the Senate might not think favorably of substituting this resolution for the one which would give the Committee on Rules and Administration authority. If so, I wonder whether it would not be appropriate to give such a select committee some authority to give guidance to Senators on what conduct they should follow under a certain set of circumstances. I can only express the hope that the Senator from Kentucky, upon reflection, will feel that his amendment as originally drafted with paragraph 3 in it was preferable to what he is now presenting.

Mr. COOPER. Even before the vote on the amendment offered by the distinguished Senator from New York, I had already stricken that provision from the amendment that I intended to offer. I voted against the amendment offered by the Senator from New York because I believe that if a Senator has such great doubt about what he is doing or proposes to do, that he must go to some committee and ask the committee whether or not his course of action is legal or ethical, he must be doubtful that it is legal. My judgment is that Senators and employees, possessing mental faculties and consciences, know whether their actions are ethical and legal.

I also point out, with great respect to the argument made by the Senator from New York, that it is doubtful that we would be able to get a committee to render an advisory opinion as to whether a proposed course of action by an employee or a Senator would be either illegal or unethical. That is my reason for modifying the amendment. I respect very much the judgment and argument of the Senator, but I have modified my amendment by striking that particular section.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CASE. First, I should like to ask a question of interpretation, if I may. In section 3 of the proposed substitute appears the following language:

> It shall be the duty of the select committee to (1) receive complaints and investigate allegations of improper conduct.

Will the Senator tell us on whose complaints and allegations of improper conduct he conceives the committee would be moved into action?

Mr. COOPER. I cannot foresee every case. It could involve action by a Member of the Senate. It could concern a man like the Senator from Delaware, who sparked off the Baker investigation. Evidence might come to the committee from such credible sources and of such importance that the select committee would feel that it should look into it.

I believe that one of the great duties of such a committee would be to have the judgment to know what it should investigate and what it should not, after looking into a question. So I cannot tell in advance the sources from which complaints might come. I believe that a committee of the type proposed would have the judgment and the sense to discard complaints which were clearly frivolous and without credibility, and devote its attention to those which deserved investigation.

Mr. CASE. Continuing that line of questioning, specifically it would not be limited to those questions formally referred by action of the Senate. The committee would be free to investigate anything which, in its judgment, seemed worthy, deserving, and requiring investigation from any source.

Mr. COOPER. That is correct.

Mr. CASE. Mr. President, will the Senator yield for one brief observation?

Mr. COOPER. I yield.

Mr. CASE. I strongly support the substitute proposed by the Senator from Kentucky for two reasons: The first reason is the obvious one which has been dwelt upon. A select committee would be adequately guarded against partisanship; second, unlike the resolution in its original form, Senate Resolution 338, the proposal would not be limited to alleged violations of Senate rules, but it would take into account all improper conduct of any kind whatsoever.

It seems to me that that is the only way in which the job could be done when we are dealing with a question of this sort in relation to this legislative body. I commend the Senator for his initiative and the care and responsibility which he has shown in presenting the question to the Senate.

Mr. COOPER. I thank the Senator.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of Delaware. The Senator from New York expressed concern because there was stricken paragraph 3, which would require advisory opinions upon questions relating to standards of conduct when so requested by Members, officers, or employees of the Senate. As one who supported this same amendment when offered by the Senator from New York, I wish to say that I am inclined to agree with the Senator from Kentucky that if the activity which involves a Member of the Senate or employee is of a questionable nature to the extent that he will have to ask if it is right, the best thing that can be done is to leave it alone. If the transaction is questionable to the point that a Senator or an employee is not sure, the doubt should be resolved in the interest of the taxpayers.

The adoption of this amendment will be a great step forward for the U.S. Senate.

The Senate does have a responsibility to face up to this question.

Mr. MUNDT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. MUNDT. I, too, would like to congratulate the Senator from Kentucky on what I consider to be a vast improvement in the nature of the substitute as against the original resolution. Certainly if the substitute fails, I shall vote against the original resolution, because it seems to me that that would be the beginning of the end of any orderly and responsible procedure in the Senate. If we were to give to the majority party, whichever party is in charge, the perpetual right and responsibility of monitoring, criticizing, and making accusations against members of the minority party, this action would become simply a political football and there is no use kidding ourselves in this matter, because we will not kid the public back home.

Politics is a part of our business. We need no more eloquent illustration of why the Jordan resolution would fail to be an effective method for monitoring Senate behavior than the harrowing and unhappy experience which the Committee on Rules and Administration has had in its total inability adequately to investigate the Bobby Baker case. The only reason the committee could not get unanimity, harmony, and constructive action in the investigation of the Bobby Baker case was a question of "TMP"—too much politics. Bobby Baker, unhappily, happened to be involved in partisan politics clear up to his ears, and I guess it is asking too much to be asking the members of his own political party, in a presidential election year, to do anything to damage the party, or to make accusations or even to call any witnesses connected with him. So I am not criticizing the majority committee members.

The minority party members tried time after time—so we were told on the floor of the Senate—to call witnesses, and they could not call even the most pertinent of witnesses. They could not obtain authority to call even any members of the Bobby Baker staff to question them.

There would be no more possibility of eliminating politics—rough, tough, partisan politics—from the original Jordan resolution now before us than there was of eliminating politics in the Bobby Baker investigation. And in that investigation partisan politics reigned supreme.

For us therefore now to set up a so-called code of ethics to be administered on a partisan basis by this same committee would be a fraud on the public.

I doubt if even the members of the majority party, after a year or two, would find that this was a happy assignment or one which they could discharge without partisanship or in clear conscience.

So if we are to have this kind of monitoring mechanism—and I am not sure in my own mind whether we should have it or not—a strictly bipartisan commission with an equal number of blue ribbon Senators of both parties from the top eliminates the ugly accusation of political activity. We can no more eliminate the activity of politics from a partisan committee dealing with issues of this kind than we can force the Potomac River to run up hill by senatorial action. Certain things are fundamental.

Therefore I certainly hope that this Cooper substitute will be adopted. If it is adopted, I shall vote for the measure, although, as I have said, I am not sure we do better to build up the reputation of the Senate and of Senators by passing a resolution, which is a sort of collective indictment of us all, than we would by relying upon the good judgment of the people back home, under the open byplay of political activity, where we are subject to the light of investigation and examination.

But if we move in this direction, I suggest that we do it without partisanship, without politics, with a select committee. It would be a committee to which few Members would aspire, and there might be a little difficulty in persuading Members to serve on the committee. But it would operate with justice as its lode star rather than with partisan politics as its master.

I do not know what the end of the road is going to be. If we start changing the proud letters "U.S.S." which have stood for centuries for the U.S. Senate by moving toward an organization that might be known as the Union of senatorial snoopers, I do not know whether we elevate or bemean ourselves.

I certainly have no suspicion of my colleagues which would lead me to accept such an assignment. I for one would rather be among the investigated than among the investigators. So, if it were offered me, I would not consider serving on it additionally, because I think if there is a need for it at all, it should be provided for under a Federal statute. If there is a need for it, is it as necessary for the other side of the Capitol as for this one. I do not consider the body in which I serve to be composed of Members who are collectively guilty of collusion and corruption to a greater or lesser extent than Members on the other side of the Capitol. It would be an unfortunate and, I believe, an inaccurate public confession on our part.

I would much prefer to have a Federal statute which would bring in the House and all its staff members, which would bring in the Senate and all its staff members, which would bring in the executive branch of the Government and all its staff members, which would bring in the members of the Supreme Court and all their staff members, and which might at least take into consideration the feasibility of bringing within the purview of the act all the fine and friendly people who are admitted to the press galleries, and all the employers paying their salaries.

If we are going in for a snooper society and a nation of informers, I do not know where we would finally stop or draw the line. Frankly, I am surprised at the growing volume of suggestions that all Federal income tax returns should either be publicized or be made open for public inspection.

I doubt if the conduct of the Members or employees of the U.S. Senate over its history is such that we should pillory ourselves and say we are bad and that we must establish some kind of monitor, some kind of public conscience, some kind of goldfish bowl, some kind of X-ray technique, to examine and patrol the morality and decency of Members of the Senate and its staffs. I do not think it would help us in national reputation or international repute. But this is one man's impression.

I shall be happy to vote for the Cooper substitute, because it is fair and impartial, it is an objective, nonpolitical way of going about the job of snooping on one another, if there exists a prevailing opinion that this should be done to make the U.S. Senate appear decent and honorable and respectable.

But if we go to the other extreme and turn this Cooper substitute down and try, through the mechanics of a two-party political system, to put six members of the majority party with three members of the minority party on the Rules Committee and say, "We are going to investigate the honesty of that man," of course, it will mean a member of the minority.

Does anyone really believe that a Rules Committee which would not call a witness requested by the three Republicans in the Bobby Baker investigation, merely because Bobby was a member of the Democratic Party, would ever call in a Member of the Senate who was a Democrat, and investigate him? Certainly, the solicitude shown with respect to Bobby would be small compared with the solicitude given, for the same reasons, by Members of the Senate toward Members of their own party. Thus the Rules Committee resolution could never provide an impartial jurisdiction—it would serve more as a protective shield for the Democrats and a possibility for pillorying Republican Senators or dissident Democrats. If a committee is needed at all to enable us to trust and respect one another—it at least should be a committee devoid of partisan political prejudice.

I suspect, if come that happy day when the Republicans will be in control, that we would act under the same compulsion. So I am not making any criticism of the party now in the majority. This is the political game by which we live and which we play. But if we try to create such a monitoring mechanism, giving the majority party an opportunity to investigate a Member of the minority, and then wait until there is a change in the pendulum to realistically investigate a Member of the other side, where does it lead? Is this to become a part of intimidation, an effort to strike down the two-party system? Is this an attempt to strike down the two-party system and give one party in Congress complete and monolithic control, enabling it to say, "You had better vote right or we will investigate you; and if we do not have any good charges, we will trump up some bad ones, and when you are once accused, the publicity alone will defeat you. You had better go along with the party in power, because we are the public conscience. We control the ethics computor by a 2-to-1 majority."

This is no way to build up respect for the Senate. This is no way to build up mutual respect and amity within a legislative body. If we do not trust each other, let us then adopt the amendment

offered by the Senator from Kentucky [Mr. COOPER], and at least keep the process clean and equitable insofar as politics are concerned. Let us avoid creating a coverup mechanism for the majority and a coercive device to punish or pillory the minority.

We can tell from the recent Bobby Baker record the total failure which would result from a politically inspired, created, and controlled committee on so-called ethical behavior.

I shall vote for the Cooper substitute. I shall do it with reservations, because I am not sure that, as a society of snoopers, we would do a better job than as Senators.

If we are positive that public morality has broken down to the point where we need this kind of thing for the Senate, it ought to be applied to the House, too. It ought to include members of the executive and judicial branches, and perhaps the media of communications and organizations to influence public decisions. Perhaps it should go further. I do not know. All of the foregoing and many others are subject to the same kinds of temptation that the members of the legislative, judiciary, and executive may be subjected to.

I congratulate the Senator from Kentucky for injecting some clear thinking and some simple, old-fashioned American honesty into a proposal of this kind. I hope his amendment is adopted as a substitute for the Jordan resolution.

Mr. COOPER. I thank the Senator from South Dakota. I hope the Senate will consider the substitute not as a partisan proposal, not even as a proposal to pass judgment upon the Rules Committee in connection with the Baker case, but upon the basis of the duties that would have to be performed. I believe those duties would be better performed by a select committee.

I ask for the yeas and nays on the amendment, as modified.

The yeas and nays were ordered.

Mr. JORDAN of North Carolina. Mr. President, I have listened with a great deal of interest to all the discussion that has taken place on the substitute amendment. I say to Senators who have been talking about the lack of investigation that if they will take the time to read the approximately 7,000 pages of testimony that have been taken, they will find an answer to everything that they have said was not done.

There is not a person they have mentioned who has not been interviewed and whose interview has not been recorded, and on whom information is not available. If we had needed more information, we would have obtained it.

I remind the Senate that the six Democratic members of the committee are just as honest as the three Republican members. Nothing was buried; nothing was hidden. Every piece of testimony was reproduced in three copies. One copy was given to the minority counsel, one copy to the majority counsel, and one copy was kept for the staff. Every person who was mentioned was interviewed, and all the information that we needed was obtained. That information was made available to us.

The proposal of the Senator from Kentucky was considered by the Rules Committee. We discussed it thoroughly, and the proposal was defeated.

In the first place, from all the information and all the testimony that has been obtained, and from what all the witnesses have said, I do not see any necessity for investigating the Senate. Not one Senator has had a finger of suspicion pointed at him; nor has any suggestion been made that any Senator has done anything wrong. If any Senator had done anything wrong, we would have known about it, because we have gone into every phase of Bobby Baker's activities.

We have examined every bank account he has. We know every director and every corporation that he has had any dealings with. We know all the facts. We know where he bought every piece of meat and where he sold it. We know all about the Serv-U Corp. and his other activities. We know all about his trips to South America and to the Caribbean; with whom he went there and whom he saw. There is very little, indeed, that we do not know about.

If the Senate wishes to set up a police force in the Senate, it can do so, but there is no reason why we should set up a select committee. I do not believe we need a police force. If there is a necessity for a police force, we do not need to set up a permanent select committee to investigate and to make recommendations on wrongdoing. I have been in the Senate for more than 6 years, and in that time Mr. Baker has been the only one who has been accused of doing anything wrong that I know about.

The minute we set up a permanent staff in a select committee, with minority counsel and majority counsel, and a secretary, with rules, and so forth, the staff will have to try to find something to do, to find some wrongdoing, for fear that they will lose their jobs.

There is no need for a police force in the Senate. No Senator needs to have his conduct looked after. It is good. If it were not, we would know something about it. No one has accused any Senator of doing anything wrong. There is not the slightest suspicion of that. I wish that to be completely understood by everyone in the United States. I wish this statement to go out to everyone, and I want it to be heard by everyone in the country.

The Senate has been downgraded by the kind of discussion we have heard this afternoon. I do not like it a bit.

I hope the amendment of the Senator from Kentucky will not be agreed to. I do not care whether the Senate adopts the other resolution. I do not believe we need a police force in the Senate. The Rules Committee did not ask for it. It was suggested. A committee is already in existence to deal with any matter that can be brought to its attention, in case there is a violation; and in that case there is a place where it can be considered. We do not need a new committee and a new staff. We do not need a police force. If something is found, we have a place to to go with it. I hope the amendment of the Senator from Kentucky will be voted down.

The PRESIDING OFFICER. The question is on agreeing to the amendment, in the nature of a substitute, as modified, offered by the Senator from Kentucky [Mr. COOPER].

Mr. DIRKSEN. Mr. President, I had anticipated that perhaps the pending resolution would not require more than an hour of the Senate's time. I thought that the insertion of the word "responsible" after the word "jurisdiction" in the resolution would be about the only amendment in which there would be any interest. I see nothing offensive in the pending resolution.

But now comes the other proposal. I had marked it up. I had taken some exceptions to it, which I did not utter. I understand that the first section has been stricken. While I did not hear the argument, I assume that the argument was the one I would make; namely, that when we use the words "direct or indirect interest," and "financial or otherwise," the language could very well be interpreted to mean that if General Motors had a tank contract with the Army, and I owned a few shares of General Motors stock, that ownership might be considered an indirect interest, and that an allegation could be made that there was a conflict of interest.

There were other items in it, including, of course, the word "permanent." For myself, I cannot see the wisdom of setting up a permanent select committee, staffed, and given the necessary powers to make investigations and also to report, either in the form of a written report or in the form of a resolution.

I thought perhaps all this would be cured by what I contemplated when Senate Resolution 337 was before the Senate. It is appropriate that Senate Resolution 338 should be before the Senate now. The distinguished Senator from Delaware [Mr. WILLIAMS] had prepared for it. I thought it was appropriate to consider it before the other one. It had some bearing and significance so far as the succeeding disclosure resolution was concerned.

What bothers me about all this is that all afternoon we have been singling out the U.S. Senate as a recreant body which needs discipline and monitoring. I do not agree for a moment with that premise.

It is for that reason, Mr. President, that I have been trying to be faithful in attendance all afternoon, so that when Senate Resolution 337 came before the Senate I could make a motion to recommit it with instructions, and then have the Rules Committee consider it. This might involve the preparation of a joint resolution, providing for a commission of 17 persons, 4 from the Senate, 4 from the House, and others to be appointed by the President.

That Commission would have plenary powers. It would make an investigation and, generally speaking, a very broad study, to include not only the Senate, but the House of Representatives, all of the executive branch, and all of the judiciary.

If we are to do anything worth while, anything that is durable, in the field of ethics and standards, we cannot limit it to the Senate.

I believe that we point the finger of guilt at ourselves when we do it. I will not accept the charge of guilt or let anyone demean or denigrate this body, because there is nothing to support that kind of contention.

My hope was that most of this proposal would have been voted down.

Deep as is my affection for the great Senator from Kentucky, and considering the vast amount of time that he has devoted to this whole matter, I still believe that his amendment should be defeated. We ought to wait until we have the disclosure resolution before us, which, in the opinion of the Senator from Delaware [Mr. WILLIAMS]—and I agree with him—is not worth the paper it is written on.

There are 3,100 persons, including Senators, employed on this side of the Capitol. Read the formula: the resolution applies only to 450 who come within a certain pay scale. What about the other 2,600? Why should they not all be included? I can fancy that if somebody had malice and mischief in his heart and came here to get a spot on a committee, and it was worth $10,000 gross, he might say, "Mr. Chairman, I will take $9,000," and get himself a spot. The committee would save $1,000, and he would not be touched by the disclosure resolution. What kind of nonsense is this?

There is time in which to do this job, if we want an objective job. Instead of trying to judge one another in this body, we had better get a look from the outside, because that is the only way to insure objectivity and have it apply to the entire governmental structure.

We hear charges made from time to time against the judiciary. I received one on the telephone this morning from Oklahoma.

I suppose it will be in my lap within the next few days. These things happen all the time. So why start or stop with the U.S. Senate?

The chairman of the committee is correct. This is the only incident within my memory, at least, so it goes up in the sky like a nuclear cloud. What a time we have had to hassle with it. Think of when the investigation started. I remember when I sat with the distinguished Senator from Delaware [Mr. WILLIAMS] and the majority leader of the Senate [Mr. MANSFIELD] as we talked about the original resolution. I sat in on all the earlier meetings, as my good friend from Delaware will admit, and we agreed that something had to be done.

Then came the differences of opinion—the question of who should testify and who should not testify; and the question of procedure. It went on endlessly for months.

Now we have before us a resolution that does not go to the heart of the problem because it provides for no enforcement power and no disciplinary power. I am referring to Senate Resolution 337. All it can amount to is to add to the Senate rules a piece of nuisance, providing for reports that the Secretary of the Senate will publish. Let us see who will make a dash for that office, when the copies are ready, to see how much stock one owns and what his interests are, here, there, and everywhere.

I affirm and reaffirm what I have said on other occasions. I do not propose to forfeit my citizenship in this country by virtue of the fact that I hold public office. The Constitution says nothing about it. The law says nothing about it. My constituents can screen me at any time. They are free at any meeting to make a charge and get a response from me off the platform, if they so desire. In that respect, we differ essentially from persons whose nominations must be confirmed by the Senate for the offices to which they are appointed. We can bring before us Charlie Wilson or somebody else to find out how much stock he has. For practical purposes, we ask such persons all sorts of questions. There is no other way to screen them.

But when we go back home, we confront our constituents. They are not tongue-tied. They are not reticent, either. They ask us questions. They ask them of me by mail, time after time. I reply that I think it is my private business.

Whenever all the citizenry who file some of the 90 million income tax returns are willing to see them nailed on the courthouse door, where all can read them, I shall be ready, too. But that is an incident of citizenship; and ever since we first had an income tax, through the constitutional amendment of 1913, Congress has gone to no end of trouble to guard income tax returns and safeguard them against snoopers and bucket shop operators. That challenge has been before the Senate and House many times. Always we have preserved the secrecy.

Now we are wrestling with a proposal for a permanent select committee, composed of majority and minority, and a staff. What do Senators think will happen? We might very well know. There have been so many leaks that I am certain there are no secrets in the Capitol. At least, I have discovered that there are no secrets so far as I am concerned. That is why I see myself paraded on the front page every so often. It is so much better to confess one's sins out in the open and to do his sinning in the open, where everyone can see, than to have it shrouded in mystery and in mystic terms.

I hope the amendment will not be adopted. With proper regard for my distinguished friend from Kentucky, I know he has been laboring for the answer. This is not the answer.

I shall not point the finger only at the Senate, as if only here there is mischief and wrongdoing. I sometimes think of the Member of Congress whose wife awakened him one night. She said, "John, get up. There are burglars in the house."

He said, "Oh, no, my love. Go back to bed. There may be burglars in the Senate, but there are none in the House."

So we are about to eventuate it, but not by my vote. I hope we shall wait until the next resolution comes. Incidentally, if the majority leader is in the Chamber——

Mr. MANSFIELD. I am here.

Mr. DIRKSEN. I should like to make a plea to him now, since it is almost 5 o'clock, that the Senate put aside Senate Resolution 337 until Monday. Give us Saturday off. We need it. We have been struggling against fatigue since we came back from San Francisco. I hope there is the charity of St. Paul in the majority leader's heart. Let us dispose of this resolution tonight. Let us sleep on Senate Resolution 337. Monday we shall be fresh. I doubt whether it will take too long to dispose of it. I shall immediately offer the motion to recommit. We can vote on it. If it is voted down, very well.

There is no other way to achieve the desired result. We cannot get around the fact that what is pending is a Senate resolution. A general bill cannot be introduced under the rule. I doubt whether a joint resolution could be introduced. Therefore, it is necessary to recommit to committee with instructions to introduce a joint resolution and report back forthwith.

But I have given the Senate a skeleton—an overall, high-level commission consisting of 17 persons, carefully selected, 4 from the Senate, 4 from the House, and 9 from the public and the executive branch. Let such a commission work on the problem for a little while. We have not found the answer yet, so we can afford to take time before we throw another stone's length.

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. MANSFIELD. There is no Member of this body to whom I would rather accede than the distinguished minority leader. But I believe the Senate should remain in session until late this evening. I, too, am tired. I believe the Senate should meet tomorrow, and come in early. We ought to stay with the business confronting the Senate. There are awaiting action the foreign aid, interest equalization, and beef imports bills, 12 appropriation bills, and many other bills. I should like to see them considered before the Democratic Convention begins on August 24.

I have been telling Senators that the Senate would remain in session late tonight, and I believe that it will. I also believe that it will be in session tomorrow, but in view of the suggestion made, I will discuss the situation with the distinguished Senator from Illinois. I hope that the Senate can stay with this issue until it finishes consideration of both resolutions, one way or the other.

I thought that when the Senate started today, against our wishes, with Senate Resolution 338, it would not be too long on it, and would reach the other Senate resolution and perhaps finish late tonight or tomorrow. But, that is up to the Senate.

Mr. DIRKSEN. Will my dear friend, the Senator from Montana, be in the mood to bargain in his office after a

while, as Abraham did with the Lord? I will come over.

Mr. MANSFIELD. I will come over.

Mr. DIRKSEN. I will see him in his office. I hope he will be tractable.

Mr. CURTIS. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. CURTIS. I thank the distinguished Senator. I agree with practically everything the Senator has said. I am opposed to Senate Resolution 337 and Senate Resolution 338. I do not believe that they would bring about justice. I do not believe that they would solve the problem, but that they would create more problems than they would solve. But I shall not go into that.

We are facing this particular situation with respect to the substitute offered by the Senator from Kentucky.

Senate Resolution 338 vests in the Rules Committee certain powers of investigation, and so forth.

If we are to have such a committee, I believe that it should be a select committee. If we are to do anything like this, it should not be by a regular standing committee. As a member of the Rules Committee, I do not wish such a responsibility. Therefore, I have stated that I favor the substitute amendment of the Senator from Kentucky. I am concerned that the great eloquence of the minority leader might be used to defeat the substitute, and then we would end by passing Senate Resolution 338, which I believe would be a very bad mistake. So, I call that to the attention of the Senate.

I believe that the substitute amendment of the Senator from Kentucky is much to be preferred over this one, but I would not be too unhappy if we did not get either one. Definitely, we should not pass Senate Resolution 337, because it would not end corruption. It would be an umbrella and a smokescreen. But I hope that the minority leader will not use his great influence to defeat the Cooper substitute amendment and then permit Senate Resolution 338 to pass.

Mr. CLARK. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. CLARK. When the distinguished minority leader goes to bargain with the majority leader with respect to what we should do timewise, I hope that he will bear in mind that I have pending at the desk 10 amendments to Resolution 338 which it is my present intention to call up. I do not wish Senators to go without the proper amount of sleep.

Mr. DIRKSEN. Does the Senator propose to discuss them all?

Mr. CLARK. I do. They are amendments to Senate Resolution 338, not to Senate Resolution 337.

Mr. DIRKSEN. Let us get this clear. Are those amendments to Senate Resolution 337?

Mr. CLARK. I beg the Senator's pardon. To Senate Resolution 337, not to Senate Resolution 338.

Mr. DIRKSEN. That is what I thought. I sincerely hope the Senator will not dissuade me from the efforts I shall make after a while. So that we may be clear, the Senator's amendments are to the resolution still to come?

Mr. CLARK. The Senator is correct.

Mr. CANNON. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. CANNON. There are certain amendments with regard to the coverage of Senate Resolution 337. Therefore, I have checked with the Parliamentarian and find that rather than a recommittal, we could make it a Senate joint resolution and then it would be permissive, with unanimous consent, to make it a Senate joint resolution on the floor. I have prepared an amendment accordingly which, if admitted now, when Senate Resolution 337 is up, would bring in many of the additional people to which the distinguished Senator referred, being principally the Members of the House, the members of the executive branch, members of the military services, and employees of the Federal Government who fall in this category. I should like the Senator to know that. If we obtain unanimous consent for the amendment of the title, I shall propose such an amendment.

Mr. DIRKSEN. We all know, of course, how controversial this subject has been. I did not dare proceed with the delicate thread of unanimous consent. I have to be sure—in the absence of consent—how to bring this issue before the Senate. That is the only reason for the motion to recommit.

Mr. CLARK. Mr. President, will the Senator from Illinois yield further?

Mr. DIRKSEN. I yield.

Mr. CLARK. I should like to suggest to the Senator that there is now on the calendar Senate Concurrent Resolution 1, introduced originally by me, and cosponsored by a great many Senators. It is on the calendar, and by a simple amendment we could include what the Senator from Illinois has proposed.

Mr. DIRKSEN. The only trouble is, of course, that Senate Concurrent Resolution 1 is not before us—and this is. But, Mr. President, I shall not delay the vote, but I felt that I should at least indicate to the Senate what I had in mind, if we should come to Senate Resolution 337 and not set up this kind of permanent select committee.

At this point I yield the floor.

Mr. WILLIAMS of Delaware. Mr. President, I do not wish to discuss the merits or the demerits of the proposal which the distinguished minority leader will later make in connection with Senate Resolution 337. That can be taken care of next Monday when that Senate resolution is before us. I should like to point out that Senate Resolution 338 is before the Senate now and under that resolution it does empower the Senate Rules Committee with authority to investigate any suggested irregularity or impropriety on the part of Members of the Senate or its employees.

The only question before the Senate now is whether we accept the Cooper substitute amendment, which would confer similar powers until a select committee composed of equal representation of both political parties, or whether we confer that power as proposed under Senate Resolution 338 upon a politically constituted committee. I do not say that as any reflection on the present committee.

It would be a similar situation if the Republicans controlled the Congress. I believe that any committee dealing with such delicate questions which involve the conduct of our employees and the conduct of Members of the Senate should always be done on a strictly bipartisan basis. I hope that the subcommittee amendment of the Senator from Kentucky will be adopted, even though there may be those who would not support the final passage of the resolution.

Personally I shall support it on final passage, but I can understand the argument of those who disagree.

I think that the Senate has a responsibility to face up to this question and enact a proposal that will really do the job.

That is why I said that the next resolution to be considered is not adequate. It is shot full of loopholes, and when it is before us we will have some amendments to offer which will strengthen it.

We can make a choice. Will we confer these powers on a standing committee which will always be balanced along political lines, as the Senate Rules Committee will be constituted whether it be controlled by Republicans or Democrats, or do we want a bipartisan committee? As the Senator from Kentucky pointed out, we have many precedents for this decision. We established a strictly bipartisan committee which functioned very well in the case of the question of the censure of Senator McCarthy, also during the Teapot Dome scandal when President Coolidge wanted to make sure that he would not be subjected to political criticism he appointed two men, one a Republican and one a Democrat—Owen J. Roberts, a Republican, and Atlee Pomerene, a Democratic Senator from Ohio. He invested them with the responsibility of investigating and prosecuting those who had been exposed or may later be exposed by the congressional committees.

There are numerous questions which come to us which should be handled on strictly nonpolitical lines. We are not dealing with just the Baker case. We are dealing with any prospective case which may come up at some future time. It may be another investigation similar to the one I asked for last October. If such a case develops again it would automatically go to this bipartisan committee which is being constituted. And I hope that we can adopt this Cooper substitute to establish this committee on a strictly bipartisan basis.

This would do more to help restore the confidence of the American people in the U.S. Senate than would any other action we could take.

Mr. COOPER. Mr. President, I appreciate very much the comments of the Senator from Delaware [Mr. WILLIAMS]. I do not know that I can add to what he has said.

I must say to my leader and friend, the Senator from Illinois, that I disagree with him in two respects. First, I think the events of this past year do call for

action by the Senate. Whatever we say here among ourselves, there is a belief and sentiment throughout the country and among the people that closer attention should be given to any unethical or illegal conduct by employees, and Members. Of course, if we apply a rule to employees, we must apply it to ourselves and in saying this, I do not impute any such conduct to any Member or employee. But we are acting to deter any such conduct.

The Senator from Delaware [Mr. WILLIAMS] has made the present issue clear. The resolution from the Committee on Rules and Administration is very broad in scope.

Acting under article I, section 5 of the Constitution, we are now determining certain rules which will apply in the future to Members and employees of the Senate.

The Committee on Rules and Administration asks for continuing authority to conduct investigations of the conduct of employees, officers, and Members of the Senate, and to recommend action—loss of office, or censure and expulsion of Members.

My amendment in the nature of a substitute would grant the same authority to a select committee composed of three Republicans and three Democrats appointed by the President of the Senate. This is not proposed in derogation of the Committee on Rules and Administration or its members. I myself am a member. I point out the precedent of the special committees appointed in the past.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. HOLLAND. If the amendment of the distinguished Senator from Kentucky were to be agreed to, how else would it be interpreted by the public or by Members of the Senate other than as a vote of no confidence in the Committee on Rules and Administration as presently constituted?

It seems to me that it would have to be so interpreted. Therefore, I could not support it. I have confidence in the present membership of the Committee on Rules and Administration.

Mr. COOPER. That criticism can be made. But I do not offer it in that way. As I have said I am a member of the committee and respect its members and staff and counsel.

Mr. HOLLAND. Whether the Senator offers it in that way or not, it seems to me that the only interpretation which the public could place upon it, and which other Senators would have in their own minds, is that the Senate by adopting that proposal would be expressing dissatisfaction with and lack of confidence in the Committee on Rules and Administration as now constituted.

Not feeling that way about it, I could not possibly support the proposal of the Senator from Kentucky.

Mr. COOPER. I understand that. But even if some take the viewpoint that its adoption would be interpreted as critical of the Rules Committee, a select committee should be established if it is the best means of carrying out the purpose of the resolutions. That is my argument.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SCOTT. Mr. President, I rise in support of the amendment of the distinguished Senator from Kentucky.

His amendment would give time and opportunity for a reasoned consideration of all the problems that might arise. While I may support other provisions in the event the Senator's amendment does not prevail, it does seem to me to be an effort to eliminate political partisanship, and to provide for a select committee with no other legislative functions or duties. The committee would have an opportunity for reflective consideration of the entire problem. It would be enabled to make such recommendations as would be designed to prevent this sort of thing occurring again.

For these reasons, and in full awareness of the time, thought, and careful consideration which has been given to the proposal by the distinguished Senator from Kentucky, I am very glad to support his amendment.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. CLARK. Mr. President, since I shall vote against the Cooper amendment, I should like to say why I shall do so. The Cooper amendment was before the Committee on Rules and Administration, of which I am a member. The Senator from Kentucky made a very eloquent and fine explanation. At that point, I offered Senate Resolution 338 as a substitute. The Committee on Rules and Administration by a majority vote—I think by a partisan vote, but by a majority vote—of 6 to 3, considered Senate Resolution 338. While I do not entirely agree with the comments made by the Senator from Florida [Mr. HOLLAND], that if we were to agree to the amendment of the Senator from Kentucky, it would be a repudiation of the Committee on Rules and Administration, nevertheless it is true that the committee did consider and did not agree to the Cooper resolution.

My reason for voting against it now is that I do not believe a select committee of elders is a proper way to deal with the problems coming before the Senate. As I stated earlier today in a rather jocular vein, I would prefer a committee of juniors, rather than a committee of elders.

If there is a select committee, it ought to be composed of the same type of membership as other committees. For those reasons, I shall vote against the amendment.

Mr. HOLLAND. Is it not true that one of the subcommittees of the Committee on Rules and Administration has to do with a question of vital importance to Senators—the question of whether or not they have been elected?

Mr. CLARK. That is correct.

Mr. HOLLAND. Is it possible to say that anything of greater importance is involved here than the question of whether or not an election has been honest?

Mr. CLARK. I agree with the Senator from Florida.

Mr. HOLLAND. It seems to me that agreeing to this amendment would set a precedent which apparently would repudiate any effort to pass upon a question of determination by a committee set up in accordance with the normal practice in the Senate—that is, with the majority having a slight majority on the committee. I think this is completely out of harmony with the general practice of the Senate.

Mr. CLARK. I must agree with the Senator from Florida, that if the Cooper resolution were agreed to, it would not take away from the committee the investigation of election expenditures.

Mr. HOLLAND. I so understand. But I am trying to find out whether the Senator thinks there is any differential between the two—in that vastly important groups of matters are handled by the committee with regard to election expenditures—a subject of such vital importance to Senators—and other generally much less important matters?

Mr. CLARK. In that regard, I am in agreement with the Senator from Florida.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. COOPER] in the nature of a substitute as modified.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. WALTERS] and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] and the Senator from Massachusetts [Mr. KENNEDY], are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Utah [Mr. Moss], and the Senator from Texas [Mr. YARBOROUGH] are necessarily absent.

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Mexico [Mr. MECHEM], and the Senator from Vermont [Mr. PROUTY] are detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] would each vote "yea."

The result was announced—yeas 50, nays 33, as follows:

[No. 486 Leg.]

YEAS—50

Aiken	Burdick	Church
Allott	Carlson	Cooper
Boggs	Case	Cotton

Curtis	Kuchel	Pastore
Dodd	Lausche	Proxmire
Douglas	Magnuson	Ribicoff
Fong	McCarthy	Saltonstall
Fulbright	McClellan	Scott
Gore	McGee	Simpson
Hart	McGovern	Smith
Hickenlooper	McIntyre	Symington
Hruska	Metcalf	Thurmond
Humphrey	Miller	Williams, N.J.
Jackson	Morton	Williams, Del.
Javits	Mundt	Young, N. Dak.
Jordan, Idaho	Muskie	Young, Ohio
Keating	Nelson	

NAYS—33

Bartlett	Ervin	McNamara
Bennett	Gruening	Monroney
Bible	Hayden	Morse
Brewster	Hill	Neuberger
Byrd, Va.	Holland	Pell
Byrd, W. Va.	Inouye	Randolph
Cannon	Johnston	Robertson
Clark	Jordan, N.C.	Smathers
Dirksen	Long, Mo.	Sparkman
Edmondson	Long, La.	Stennis
Ellender	Mansfield	Talmadge

NOT VOTING—17

Anderson	Goldwater	Prouty
Bayh	Hartke	Russell
Beall	Kennedy	Tower
Dominick	Mechem	Walters
Eastland	Moss	Yarborough
Engle	Pearson	

So Mr. COOPER's amendment, in the nature of a substitute, as modified, was agreed to.

Mr. COOPER. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. CASE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on agreeing to the resolution as amended.

Mr. MANSFIELD and others Senators requested the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Tennessee [Mr. WALTERS], the Senator from Georgia [Mr. RUSSELL], the Senator from Louisiana [Mr. ELLENDER], the Senator from Tennessee [Mr. GORE], and the Senator from Arizona [Mr. HAYDEN] are absent on official business.

I also announce that the Senator from California [Mr. ENGLE] and the Senator from Massachusetts [Mr. KENNEDY] are absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON], the Senator from Indiana [Mr. BAYH], the Senator from Mississippi [Mr. EASTLAND], the Senator from Texas [Mr. YARBOROUGH], and the Senator from Utah [Mr. Moss] are necessarily absent.

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Louisiana would vote "nay" and the Senator from Maryland would vote "yea."

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from Texas [Mr. YARBOROUGH]. If present and voting, the Senator from Texas would vote "yea" and the Senator from Georgia would vote "nay."

On this vote, the Senator from Massachusetts [Mr. KENNEDY] is paired with the Senator from Tennessee [Mr. WALTERS]. If present and voting, the Senator from Tennessee would vote "nay" and the Senator from Massachusetts would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Mexico [Mr. MECHEM] and the Senator from Vermont [Mr. PROUTY] are detained on official business.

If present and voting, the Senator from Colorado [Mr. DOMINICK], the Senator from Kansas [Mr. PEARSON], and the Senator from Texas [Mr. TOWER] would each vote "yea."

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Louisiana [Mr. ELLENDER]. If present and voting, the Senator from Maryland would vote "yea" and the Senator from Louisiana would vote "nay."

The result was announced—yeas 61, nays 19, as follows:

[No. 487 Leg.]

YEAS—61

Aiken	Hruska	Muskie
Allott	Humphrey	Nelson
Bennett	Jackson	Neuberger
Boggs	Javits	Pastore
Brewster	Jordan, Idaho	Pell
Burdick	Keating	Proxmire
Byrd, W. Va.	Kuchel	Randolph
Carlson	Lausche	Ribicoff
Case	Long, Mo.	Saltonstall
Church	Magnuson	Scott
Clark	Mansfield	Simpson
Cooper	McCarthy	Smathers
Cotton	McGee	Smith
Curtis	McGovern	Symington
Dirksen	McIntyre	Thurmond
Dodd	Metcalf	Williams, N.J.
Douglas	Miller	Williams, Del.
Fong	Monroney	Young, N. Dak.
Gruening	Morse	Young, Ohio
Hart	Morton	
Hickenlooper	Mundt	

NAYS—19

Bartlett	Hill	McNamara
Bible	Holland	Robertson
Byrd, Va.	Inouye	Sparkman
Cannon	Johnston	Stennis
Edmondson	Jordan, N.C.	Talmadge
Ervin	Long, La.	
Fulbright	McClellan	

NOT VOTING—20

Anderson	Goldwater	Pearson
Bayh	Gore	Prouty
Beall	Hartke	Russell
Dominick	Hayden	Tower
Eastland	Kennedy	Walters
Ellender	Mechem	Yarborough
Engle	Moss	

So the resolution (S. Res. 338), as amended, was agreed to, as follows:

Resolved, That (a) There is hereby established a permanent select committee of the Senate to be known as the Select Committee on Standards and Conduct (referred to hereinafter as the "select committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the President of the Senate. The select committee shall select a chairman and a vice chairman from among its members.

(b) Vacancies in the membership of the select committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c) A majority of the members of the select committee shall constitute a quorum for the transaction of business, except that the select committee may fix a lesser number as a quorum for the purpose of taking sworn testimony. The select committee shall adopt rules of procedure not inconsistent with the rules of the Senate governing standing committees of the Senate.

SEC. 2. (a) It shall be the duty of the select committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Members of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action to be taken with respect to such violations which the select committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the select committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

(b) The select committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The select committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; and (7) employ and fix the compensation of such technical, clerical, and other assistants and consultants as it deems advisable.

(b) Upon request made by the members of the select committee selected from the minority party, the committee shall appoint one assistant or consultant designated by such members. No assistant or consultant appointed by the select committee may receive compensation at an annual gross rate which exceeds by more than $1,600 the annual gross rate of compensation of any individual so designated by the members of the committee who are members of the minority party.

(c) With the prior consent of the department or agency concerned, the select committee may (1) utilize the services, information, and facilities of the General Accounting Office or any department or agency in the executive branch of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee thereof, the select committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the chairman of the select

committee determines that such action is necessary and appropriate.

(d) Subpenas may be issued by the select committee over the signature of the chairman or any other member designated by him, and may be served by any person designated by such chairman or member. The chairman of the select committee or any member thereof may administer oaths to witnesses.

SEC. 4. The expenses of the select committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the select committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

The title was amended, so as to read: "Resolution establishing the Senate Select Committee on Standards and Conduct."

Mr. MANSFIELD. Mr. President, I move that the Senate reconsider the vote by which the resolution, as amended, was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, the approval of the Copper substitute and the adoption of Senate Resolution 338, as amended by the Cooper substitute, places a different face on the legislative picture than when the Senate met at 12 o'clock today. Frankly, I do not know what to do at the moment because of this changed situation. Therefore, in an attempt to "get our ducks in order," I suggest to the distinguished minority leader and to my colleagues in the Senate that we ought to give the legislative lawyers a chance to go into this matter, to see what they can find out, and give us the benefit of their advice and counsel.

As I see it, the adoption of Senate Resolution 338, as amended by the Cooper substitute, brings into being an entirely new committee, for the purpose of doing the very same thing that the Rules Committee has been doing. It would appear to take a great deal of the steam out of Senate Resolution 337.

Therefore, if my distinguished colleague from Illinois agrees, the Senate will not proceed to consider Senate Resolution 337 today.

I may say, speaking of the distinguished minority leader, that St. Paul is always persuasive, but sometimes he needs a little help. [Laughter.]

Mr. DIRKSEN. Mr. President, a very careful reading of section 3 of the Cooper amendment will disclose the broad delegation of power it contains with respect to discipline, matters of conduct, performance, standards, and so forth. All of that, of course, is involved specifically in Senate Resolution 337.

I fully concur in the estimate made by the distinguished majority leader with respect to Senate Resolution 337. I entertain some doubts whether that resolution, at the moment, is necessary at all. Therefore I think it ought to have some further consideration. I am delighted that the Senate will adjourn until Monday.

Mr. CLARK. Mr. President, I have listened with great interest to what the majority leader has said. I am in accord with his decision that this matter should be given a little thought in view of the unexpected adoption of the Cooper amendment.

In the consideration which the leadership will give to Senate Resolution 337, let us remember that all that the Cooper amendment does, as it was voted to amend Senate Resolution 338, is to create a special committee on ethics. It does not deal in any way with the matter of disclosure. Senate Resolution 337, as reported by the Rules Committee, deals with disclosure.

I believe we could be charged in some circles with sweeping the whole matter of disclosure under the rug if we did not proceed to consider not only Senate Resolution 337 but the several amendments that have been proposed to it.

It may be necessary to make a technical amendment in Senate Resolution 337 in view of the unexpected action with respect to Senate Resolution 338. The Senate should not back away from the question of disclosure, as recommended by the chairman of the Rules Committee and his colleagues, or from the substitute amendment which the Senator from New Jersey [Mr. CASE] and I propose to offer.

Mr. MANSFIELD. Mr. President, I hope Senators will give me their attention. There is no intention on the part of anyone to sweep anything under the rug. If any Senator has a resolution which he wishes to present, I hope he will do so tonight, and let the Senate face the question of financial disclosure. I have been ready for a long time. I think the Senate has been ready.

The remarks which were made earlier were made because of the changed situation that had been created. Everyone is not pure; everyone is a little impure. If any Senator has any resolutions or proposals or amendments, let him bring them up and let us vote on them. Let us have less talk and let us get down to action.

Mr. CLARK. The point I tried to make is that amendments should be made a part of Senate Resolution 337, and that I hope it will be brought up on Monday.

Mr. MANSFIELD. I thank the Senator.

ORDER FOR ADJOURNMENT TO MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it adjourn until 12 o'clock noon on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NECESSITY FOR LABELING IMPORTED BEEF

Mr. MILLER. Mr. President, the Nebraska Farmer, a magazine of national repute, has come forth with an argument—which, I concede, I had not taken into account previously—on the necessity of labeling imported beef.

In an editorial published in its editions of July 18, the magazine raises the specter of imported beef becoming a health hazard if the housewife is not aware of its origin.

It points out that a large portion of imported beef is frozen if it is to remain in the storage state for any length of time. The magazine underscores this point, as follows:

> Now all housewives know that it is dangerous to refreeze meat that has been previously frozen and thawed. But this frozen imported meat must be thawed to be ground into hamburger, which is said to be its primary use.

So when the consumer buys this hamburger and freezes it, she runs the risk of endangering the health of her family. The editorial continues:

> Under these conditions, Mrs. Consumer should make very sure she is not buying imported beef. It's an important reason for requiring labeling imported beef as such.

I ask unanimous consent that the editorial, entitled "Imported Beef a Hazard," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Nebraska Farmer, July 18, 1964]

IMPORTED BEEF A HAZARD

In checking out the differences shown in beef import figures of the Bureau of the Census on the one hand and USDA's meat inspection division on the other, the Nebraska Farmer found that imported beef may remain in storage in the United States for some time before it is released to the trade.

A large proportion of this imported meat is frozen, apparently. That seems to be about the only way it could possibly remain very long in storage.

Now all housewives know that it is dangerous to refreeze meat that has been previously frozen and thawed. But this frozen imported meat must be thawed to be ground into hamburger, which is said to be its primary use.

So what happens when Mrs. Consumer purchases this hamburger at the store and puts it in her freezer, or the freezer compartment of her refrigerator, at home?

It would seem to add up to a health hazard. Under these conditions, Mrs. Consumer should make very sure she is not buying imported beef. It's an important reason for requiring labeling imported beef as such.

TEMPORARY SUMMER EMPLOYMENT OF COLLEGE STUDENTS IN FEDERAL GOVERNMENT

Mr. MILLER. Mr. President, each summer thousands of college students are brought into Washington as temporary employees of the Federal Government.

It is hoped that through this method the more promising students will become career employees upon graduation. The program serves a useful purpose in attracting good workers.

But the Democratic National Committee apparently feels that these students would be more productive as workers in the election campaign of President Johnson.

According to columns written by Joseph Young of the Evening Star and Jerry Kluttz of the Washington Post, these summer students are being recruited for active service in President Johnson's upcoming campaign.

Mr. Young, who first threw the spotlight on this activity on July 21, said:

> It raises the question of Civil Service rules as well as ethics in contacting the youths who are serving in Federal jobs that have been expressly authorized by the Civil Service Commission on the condition that there be no politics involved in their employment.

Mr. Kluttz had this to say in the Post today:

> CSC is anxious to sell them on the career and merit principles which hold that appointments and promotions are based on ability and not whom one knows, or his political beliefs. CSC has its work cut out for it.

Last year, when the White House attempted to wrest control over the filling of these jobs, the hue and cry which ensued brought this endeavor to a halt.

And rightly so. If President Johnson is sincere in his statements that Federal employment should be upgraded, he should call an immediate halt to this ethically wrong practice.

However, in view of past policy, I have strong doubts as to whether this will be done.

What is being overlooked, as long as these practices are permitted to continue, is that the groundwork is being laid for the eventual destruction of the civil service system.

I ask unanimous consent that the two articles, the one entitled "Johnson Campaign Recruits Students in Federal Jobs," published in the Evening Star of July 21, the other entitled "Students in Jobs Told To Serve Democratic Convention, Hill Told," published in the Washington Post of July 22, be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, July 21, 1964]

JOHNSON CAMPAIGN RECRUITS STUDENTS IN FEDERAL JOBS

(By Joseph Young)

College students in summer Government jobs here are being recruited for active service in President Johnson's reelection campaign.

The Young Citizens for Johnson, in cooperation with the Democratic National Committee, have distributed literature at White House seminars to young men and women who have secured summer jobs in the Federal service under Civil Service authority.

The literature distributed among most of the 5,000 students in summer Federal jobs invites those interested to attend the Democratic National Convention in Atlantic City next month as convention "volunteers."

Those in charge of the drive acknowledge that the purpose is to enlist the students in active campaigning for President Johnson after the convention closes, as well as to get them to start Johnson for President groups on their college campuses when they return to school in September.

Senator BAYH, Democrat, of Indiana, is national chairman of the Young Citizens for Johnson group.

MUST QUIT, SUMMER JOBS

Spokesman for the organization say no violation of the Hatch Act is involved because the students have been told they will have to quite their Federal summer jobs by August 24 when the Democratic National Convention begins if they are to be accepted as convention "volunteers."

However, it raises the question of civil service rules as well as ethics in contacting the youths who are serving in Federal jobs that have been expressly authorized by the Civil Service Commission on the condition that there be no politics involved in their employment.

Last year, after newspaper publicity about White House attempts to gain control over the filling of these summer jobs, the Civil Service Commission stepped in and took away agencies' authority to fill these positions unless political considerations were barred.

All agencies agreed to these terms and the authority was restored to them this year for hiring the students for these jobs.

ATTEND SEMINARS

Not all 5,000 are college students, but many are. It is college students the Young Citizens for Johnson are mainly interested in recruiting for the forthcoming political campaign.

The students are brought together once a week or every 2 weeks for so-called White House seminars, though the meetings are held in the Sheraton-Park Hotel. Object of the seminars is to acquaint the students with the workings of Government and the hope that some of them on graduation will choose the Federal service as a career.

They have been addressed by Attorney General Kennedy and several other top Government officials and President Johnson is scheduled to address them next week.

At last Friday's session, literature was distributed to the students inviting them to attend the Democratic convention as volunteers. They were told that special arrangements would be made to house the volunteers at about $5 a night.

However, they were told they would have to pay a $10 registration fee to pay for the purchase of an official campaign outfit to identify all convention volunteers—a matching shift and a headband for the girls and a matching vest and straw hat for the men. Deadline for applications was set at July 25. Their duties would include serving as hosts, secretaries, guides, drivers, etc. at the convention.

Spokesmen for the Young Citizens for Johnson say the response has been very good. "We are being swamped with applications," one spokesman said.

ONE-DAY PLAN OFFERED

The sheet distributed to the students also offered an alternate plan to those who found they could not attend the entire convention. They could attend the convention for 1 day—on August 25—to attend the Youth Day Rally which will be held on the convention floor.

Those who are still unconvinced about participating in either of the two alternatives were invited to attend a party in Senator BAYH's office at 5:30 p.m., July 28 for further discussion.

The students who are interested in enlisting as convention volunteers or attending the 1-day convention youth rally were given two names to contact on Capitol Hill—a college student working for Senator BAYH and another in the office of Representative BOLLING, Democrat, of Missouri.

[From the Washington (D.C.) Post, July 22, 1964]

STUDENTS IN JOBS TOLD TO SERVE DEMOCRATIC CONVENTION, HILL TOLD

(By Jerry Kluttz)

Representative H. R. GROSS, Republican, of Iowa, told the House yesterday that the White House had given students holding temporary Federal jobs "political propaganda" that urged them to do volunteer work at the Democratic convention in Atlantic City.

The students were given leaflets last Friday by Young Citizens for Johnson as they entered a seminar arranged by the White House. Senator BIRCH BAYH, Democrat, of Indiana, heads the organization. The seminar was held at the Sheraton-Park Hotel but the distribution of material was on Government time, a factor that raised eyebrows at the Civil Service Commission and elsewhere.

BAYH said later that the Young Citizens for Johnson "checked in advance with the CSC," and "were advised that the distribution of the leaflets would in no way violate the Hatch Act or CSC rules."

He said that the material was distributed outside the auditorium and that those distributing it were "not under the aegis of the Hatch Act."

Carl Rowan, Director of the U.S. Information Agency, and other speakers made no mention of the material during official proceedings of the seminar. As one participant observed: "I assume the Republican National Committee or the Fuller brush man could have offered us material on their products."

Students who will quit their jobs before August 24 were asked to volunteer for work at the Democratic convention. Arrangements will be made to house volunteers at $5 a night and in addition each will be expected to pay $10 for a convention outfit.

Summer employees who are unable to attend the entire convention have been given the opportunity to attend a youth rally to be held August 25 at the convention hall. They will go and return by bus on that day.

CSC has been trying to protect the students from partisan political influences. Last year it suspended the authority of the agencies to make temporary appointments to the jobs when the White House set up a system to clear appointments. Most of the employees appointed this year had to qualify through merit tests.

A major purpose of the summer program is to line up promising college students who will return to the Federal service after graduation. CSC is anxious to sell them on the career and merit principles which hold that appointments and promotions are based on ability and not whom one knows or his political beliefs. CSC has its work cut out for it.

BIGOTRY

Mr. ALLOTT. Mr. President, we hear much today about bigotry and a lack of charity. One of the most thoughtful and provocative pieces I have read on this subject is an editorial entitled "Bigotry Becomes a Game," published in the Cincinnati Enquirer of July 19, 1964. I ask unanimous consent that the editorial and some remarks by the late Chief Justice Charles Evans Hughes on the same subject be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BIGOTRY BECOMES A GAME

An interesting new game is sweeping the country. We call it, for want of a better name, applied bigotry.

To play, you must belong to a minority. That, of course, is not difficult, for nearly every American belongs to one minority or another—political, economic, racial, religious, ethnic. To qualify for our particular little game, however, you must convert your minority membership into a full-time profession.

One joy of the game is that, once you have done that, the rules allow you to brand whomever you do not like as a bigot. Another joy of the game is that no one can challenge your condemnations without himself inviting condemnation as a bigot. Who, after all, can defend a bigot except other bigots? A third joy of the game is that you are the sole and exclusive determiner of what bigotry actually is. And no one can require you to define your terms. Neither can anyone look into your motives—without inviting public suspicion of his own.

Eventually, after a little practice, you will find yourself using the "bigot" label so freely and so frequently that you will find it convenient to get a rubber stamp. Thus you can stamp "bigot" permanently on the public record of whichever of your fellow Americans you choose before they quite know what is happening.

A particular adept and eminent practitioner of our little game is Jackie Robinson, who has been the object of respect and admiration for a whole generation of Americans of all races, creeds and colors. Mr. Robinson the other day attacked Senator BARRY GOLDWATER as a bigot, and he was joined in that condemnation by the hundreds of zealots who picketed the San Francisco Cow Palace last week, some of them depicted in the accompanying picture. [Not printed in RECORD.]

Mr. Robinson has become so expert at the game that he tried, convicted and condemned Senator GOLDWATER not on one count, but on three. Senator GOLDWATER, he declared, is not only anti-Negro, but also anti-Catholic, and anti-Jewish.

The pity of it is that Senator GOLDWATER is also under fire from the other side of the political spectrum—from the ultimate in crackpot movements, the American Nazi Party.

These homegrown Fascists condemn Senator GOLDWATER not because he is anti-Negro, but because, as they put it, he has been a "loyal member and heavy contributor to the National Association for the Advancement of Colored People"; not because he is anti-Jewish, but because he is half-Jewish; not because he is a captive of the John Birch Society, but because he has "blasted the courageous patriot, Robert Welch," the society's founder and president.

Eventually, we can anticipate that Senator GOLDWATER must bear the additional burden of being identified as pro-Catholic because of his choice of a running mate.

The Goldwater case points up a particularly striking feature of the game of applied bigotry: Everyone loses but the player.

The game requires, for example, that you overlook Senator GOLDWATER'S private and public record in the field of civil rights. You must forget about his role in eliminating segregation in the Arizona National Guard, in his own business, in his own community, in his community's school system. You must also overlook his support of civil rights legislation in the past.

And because he questions the means—not the ends—of one piece of civil rights legislation, you are entitled to wield your rubber stamp and to brand Senator GOLDWATER dogmatically and indelibly: "Bigot."

Conversely, you can also overlook the public records of those whom you prefer to identify as your friends.

You can simply sweep under the rug, for example, the record of Lyndon B. Johnson.

You can forget his declaration (at a rally in Austin, Tex., on May 22, 1948) denouncing President Truman's civil rights program as "a farce and a sham—an effort to set up a police state in the guise of liberty."

You can forget his speech of May 9, 1949, condemning a proposal for Federal fair employment legislation on the grounds that, "if the Federal Government can by law tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work."

You can also forget his six congressional votes against proposals to abolish the poll tax, his six votes against the elimination of discrimination in Federal programs, his two votes to support the segregation of the Armed Forces and his one vote to perpetuate discrimination in the District of Columbia and his one vote against fair employment legislation.

And you can overlook the fact that he sits in the White House today precisely because his record in Congress won him the all but unanimous backing of southern delegations at the 1960 Democratic National Convention.

Yes, you can overlook these things and proclaim Mr. Johnson as the nonbigot of the year. And if anyone asks you the basis of your proclamation?

Don't worry.

Only a bigot would dare ask.

To have courage without pugnacity, to have conviction without bigotry, to have charity without condescension, to have love of humanity without mere sentimentality, to have meekness without power, and emotion with sanity—that is brotherhood.—CHARLES EVANS HUGHES.

NUCLEAR PROPULSION PROGRAM "PLUTO"

Mr. ALLOTT. Mr. President, last week one of the prospects for a new weapons system was thrown into the discard by the Department of Defense. I refer to the program for Pluto. Many persons have become much concerned not only about the discarding of this project but about the many millions of dollars that have been spent in developing it.

I ask unanimous consent that an article entitled "Pluto—A New Strategic System or Just Another Test Program?" written by J. S. Butz, Jr., and published in Air Force magazine for July 1964, be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PLUTO: A NEW STRATEGIC SYSTEM OR JUST ANOTHER TEST PROGRAM?

(By J. S. Butz, Jr.)

(NOTE.—The most impressive nuclear-propulsion program the United States has yet conducted is in serious danger of collapse. This despite a near-perfect record in meeting or exceeding all technical, cost/effectiveness, and budgetary goals during its 10-year life. The program is Pluto, and its goal is development of a nuclear-ramjet engine that could be used in a revolutionary new strategic system. The Pluto vehicle is an unmanned weapon of global range and awesome destructiveness. It would fly at mach 3—more than 2,000 miles per hour—on the deck, carrying a greater load of thermonuclear weapons than a Polaris sub or a dozen Minuteman ICBM's to any point on the globe. With the technology now available, Pluto is caught up in a battle between Congress and the Defense Department. The battle raises questions about the future of the program.)

The most impressive nuclear propulsion program to date, and indeed one of the most impressive U.S. technology-building programs of all time, is on the verge of collapse. It is not a victim of failure—quite the contrary: It has achieved an essentially perfect record in meeting or exceeding all technical, cost/effectiveness, and budgetary goals over its 10-year life.

The program is Project Pluto. It is aimed at proving the feasibility of the nuclear-ramjet engine. It has become a key test case in a running fight between the executive and legislative branches of the Government over how to manage advanced technology programs. In this test-case role, despite its extremely fine record and great future potential for weapon systems, Pluto is in imminent danger of being mothballed.

Congress has wholeheartedly supported Pluto in the past and continues to praise both its technical achievements and potential. But Congress is now using Pluto to goad the administration into clarifying its advanced technology philosophy and military requirement system as currently practiced.

The immediate target under congressional attack is an Atomic Energy Commission request for $8 million to be spent in fiscal year 1965 to make ground tests of the new flight-weight Pluto reactor, the Tory II–C, and to begin work on an improved version, the Tory III.

Late in April the Joint Committee on Atomic Energy recommended a $1.5 million reduction in the AEC's Pluto request. The Joint Committee explained that it wanted to fund the complete series of Tory II–C tests, but was not going to back any Tory III development. It agreed fully with the vast majority of its technical witnesses, who stated that Tory II–C tests would prove the feasibility of the nuclear-ramjet engine as well as it would ever be proven on the ground without flight tests. In other words, Congress is trying to speed up flight testing by withholding funds for further, and unnecessary, ground-based development.

Administration spokesmen, including Dr. Harold Brown, DOD director of research and engineering, have supported a continuation of Pluto study work and ground tests at a low level of funding (approximately $20 million per year total from USAF and AEC budgets) to keep the technology progressing.

The joint committee, after several years of criticizing this philosophy, now completely rejects it. The committee believes it would be grossly wasteful to continue a policy that has consumed a little more than $200 mil-

lion in nearly 10 years and kept the program creeping at a minimum pace.

Most Joint Committee members agree with Dr. Theodore Merkle, of the AEC's Livermore laboratory, the program's technical leader. Late in 1958 Dr. Merkle said flatly that a nuclear ramjet could be built with technical knowledge that then existed. According to him at that time, "It is just a question of do you want it or not?" Pluto work during the past 5 years has proved Dr. Merkle's contention, and the committee is maneuvering to get the administration to answer his question, "Do you want it or not?"

After cutting the fiscal year 1965 budget to allow only the completion of the Tory II–C tests, the Joint Committee stated in its report, "Unless a decision is made within the next year to flight test the Tory II–C device, it is an unavoidable conclusion that the [Pluto] program should be terminated."

In effect such a decision would mean that the breakup of the Pluto development team of scientists and engineers would begin on July 1, at the end of fiscal year 1964. Many design and laboratory specialists not directly connected with the Tory II–C tests would have to be switched to other programs because the Tory III would not be funded.

The Department of Defense, in an effort to prevent the Pluto breakup, is studying plans for a flight-test program which would satisfy a number of diverse factions in the DOD as well as the congressional critics. Date for a decision was scheduled for July 1, although there is little likelihood that this schedule will be met—or that the decision will be announced at that time even if made. The decision must be a tricky one, with great import for the military. The program will cost between $200 and $500 million, depending upon its sophistication and the number of flight vehicles involved.

If tests should prove successful it would be difficult to explain why development of an operational system should not be authorized. It is generally agreed that major strategic weapon systems in the future will be very expensive and few in number, so the Navy and the Air Force, as well as DOD, have an intense interest in any potential system which is receiving large development funds. Many atmospheric, spaceborne, and undersea systems are competing for the administration's blessing as the next major strategic weapon system and to advance from the relatively cheap ground-test stage into a major test program in the operational environment.

The chances of DOD coming up by July 1 with a Pluto flight-test program that will be acceptable to the Joint Committee have to be rated as slim. During the past 3 years the only clear position that has emerged from the Pentagon's third floor is that new strategic weapons really aren't of interest. The current systems, especially the ICBM and the Polaris missiles, are considered to be invulnerable for far into the future. Development of improved systems to overcome weaknesses in these weapons and to present new defensive problems to an enemy generally have been described as unnecessary and wasteful by Mr. McNamara.

Consequently, it appears highly unlikely that this policy will be altered to produce a Pluto flight-test program of which the Joint Committee will approve. The Joint Committee objective, before considering the authorization of further funding, was to obtain reasonable assurances that the DOD wanted to go ahead with weapon-system development and could get all the information it needed out of the prototype flight vehicles.

Early in June a more formidable congressional challenge seems to have dashed all hope that Joint Committee pressure could have brought about a Pluto flight-test program. This new challenge is based largely upon the fact that the first full-power run of the Tory II–C on May 22 was a complete success. This was the first of several such runs planned next year for the Tory II–C test program which the Joint Committee funded.

The challenge came from the powerful House Appropriations Committee in a report issued on June 11. The committee said that the May 22 test "amply demonstrated the successfulness of the ramjet propulsion reactor powerplant. Since there is still no military system or requirement for this powerplant and no engine system or vehicle to carry it has been developed up to this time, the committee sees no reason why further development and testing work is necessary." The Appropriations Committee thereupon cut $5.5 million from the joint committee's authorization and said, "The $1 million which has been allowed for this program is for the purpose of 'mothballing' the project until such times as there is a military system and a requirement for it."

In calling for the generation of a weapon-system requirement before further funds are made available, the Appropriations Committee has given Mr. McNamara the task of coming to Capitol Hill and explaining his policy, unless he wants Pluto to die at once. Mr. McNamara must also justify his entire technology-building policies. Many Congressmen do not believe that the Secretary is getting maximum effectiveness from his R. & D. dollar when he continues to call for $20 million a year for a system that is never going to be an operational weapon. They cite Mr. McNamara's own extensive statements about the overriding need for conserving technical resources and investigating the widest variety of concepts and systems to insure U.S. technical superiority into the future. The Congress certainly agrees with this basic objective, but few of its members will continue to support the expenditure of hundreds of millions of dollars on systems that the administration is going to ignore after they are tested successfully and proven feasible.

It is no accident that the Congress is using Project Pluto to challenge the administration. Pluto is revolutionary in every sense.

Militarily, it opens the possibility of operating bombardment/reconnaissance vehicles in a completely new speed-altitude regime—mach 3, or about 2,300 miles per hour, at altitudes as low as 500 feet. For practical purposes the range can be considered as infinite, because there is no technical doubt that the nuclear-ramjet vehicle could operate for at least 24 hours before radiation and heat would begin to deteriorate any of its subsystems. Therefore, the vehicle could travel around the world at the earth's maximum diameter while making extensive dogleg maneuvers. No nation is close to possessing a defense which could intercept such a high-speed, low-altitude vehicle attacking from any direction. Developing such a defense would be difficult and costly, at least in the same class with an anti-ICBM system.

The cost/effectiveness rating of Pluto vehicles must be very high compared to existing systems. One major advantage is that a low-altitude nuclear-ramjet vehicle has by far the largest payload of any flight system yet envisioned. Over 25 percent of its weight could be carried in the form of weapons or other payload. A mach 3, low-altitude, vehicle powered by a Tory II–C type reactor would weigh 150,000 to 200,000 pounds or more, and its payload would be more than 50,000 pounds. It could carry more nuclear weapons, and larger weapons if desired, than a Polaris submarine, which has a normal complement of 16 missiles each with a warhead of under 10 megatons. By the same reasoning one Tory II–C powered vehicle could be more potent than a dozen or so Minutemen.

A second major advantage is a very high guidance-accuracy rating for the low-altitude vehicle, even better accuracy than is being attributed today to the inertially guided ICBM. The system consists of a programed inertial system which is corrected at regular intervals by measuring the differences in height of prominent terrain features along the vehicle's route. Distances from the vehicle to the geographic features also are measured, and the distance and height differential information is fed into a computer which determines the vehicle's exact position and corrects the inertial system.

Ling-Temco-Vought, Inc., developers of the equipment for correcting an inertial-guidance package, already have tested it successfully in flight under all-weather conditions.

These two features—a large payload and an exceptionally high guidance accuracy—combine to give the nuclear-ramjet vehicle a high-effectiveness rating compared to current strategic missile systems. The nuclear vehicle also has aircraft-type advantages in that it can be recalled or given alternate assignments after a flight has been initiated. And it is vastly superior to the manned aircraft in range and speed at low altitude, and, consequently, in ability to penetrate enemy defenses.

Initial cost of a Tory II–C powered vehicle purchased in quantity probably would be considerably less than a B–52 bomber—say $5 million or less. This estimate seems valid despite the ramjet's requirement for a large quantity of expensive nuclear fuel. The extreme simplicity of the nuclear ramjet, plus the fact that its total empty weight would be considerably less than that of a B–52, would have a controlling influence on cost.

Operational costs also should be relatively low. Keeping such unmanned vehicles in a state of constant readiness certainly would be much cheaper than operating a submarine or a large bomber and probably comparable to the cost of operating one missile silo.

Many perils are inherent in drawing cost/effectiveness generalizations when a great deal of detailed information is not available on the weapon system in question, the other offensive systems it must be rated against, or estimates of the military environment it would have to operate against in the next 5 to 15 years. However, the information available on low-altitude nuclear-ramjet vehicles, reviewed above, indicates that the Pluto system offers some unique cost/effectiveness advantages.

For instance, it appears that a force of 100 nuclear-ramjet vehicles could be produced for a total cost of under $1 billion in new funds. Such a force would have a striking strength equivalent to a fleet of 60 Polaris submarines or more than the entire complex of 950 Minuteman missiles that is in operation or on order. A nuclear-ramjet vehicle force also would have another great advantage. It could not be stopped by any existing air defense or any AICBM system which might be under development. Therefore, it would place a new and highly complex problem on the shoulders of enemy defense planners. In contrast, all new offensive system proposals which are pure ballistic or semi-ballistic with lifting, maneuverable warheads would be vulnerable to any successful anti-ICBM system.

Technically, the Pluto case is strong in support of the cost/effectiveness arguments. First and foremost, the project's research and development record has been virtually spotless so far. Pluto has not been plagued by failures and technical setbacks such as those which hindered the nuclear aircraft program and continue to hinder the nuclear rocket development.

Compared to the other nuclear propulsion programs Pluto has been a low priority project with limited funding. Most of its effort

has gone toward reactor development. The primary objective has been to prove that it is feasible to power a mach 3 low altitude vehicle with a nuclear ramjet. The scientists and engineers at the AEC-University of California Lawrence Radiation Laboratory and their principal contractors, Ling-Temco-Vought and Marquardt Corp., have exceeded this original objective. Their Tory II–C reactor design has been proven in full-power tests at the Nevada Test Station at Jackass Flats. Its detail design has stood up to the rigors of a 1,060° F., 50,400-pound-per-square-foot airstream, the same as would pass through the reactor during mach 3 flight.

As a flight weight reactor the Tory II–C has several features which distinguish it from stationary power reactors on the ground, or reactors used in submarines, aircraft carriers, or merchant ships. Most important is a very high power-to-weight ratio. Powerplants in high performance flight vehicles must deliver high power for minimum possible weight. Nuclear powered vehicles are no exception.

Power-to-weight ratios for nuclear powerplants are sensitive information. But it is known that the nuclear turbojets in the nuclear-powered airplane program were about 50 times better from the power-to-weight standpoint than the engine system in the *Nautilus*, the first nuclear-powered submarine, and about 200 times better than the atomic-powered merchantman, the NS *Savannah*. The Pluto powerplant's power-to-weight ratio is many times superior to any planned for the nuclear airplane. One major reason is the difference in shielding weight. The airplane had to carry more than 100,000 pounds of shielding to protect the crew. Pluto vehicles need only a "shadow" shield weighing a few thousand pounds to stop radiation from streaming directly from the reactor into the payload bay, the guidance system, automatic pilot, cooling system, etc., all of which are thousands of times more resistant to radiation than are humans.

Pluto also gets a weight advantage because it is a throw-away unit. It is intended to operate for about 24 hours at the most and then to be either incinerated in an enemy target or to be sent to the bottom of the sea on command from base. There are no plans to bring a Pluto vehicle back to a base, service it, and use it again. The requirements for a long service life and ground maintenance added many thousands of pounds to the nuclear airplane.

Another weight advantage falls to Pluto because its reactor wall temperatures must be around 2,200° F. or higher. This is at least 500° F. hotter than the wall temperatures required in nuclear turbojets powering a high subsonic-speed airplane.

The nuclear ramjet must operate at around mach 3 to have enough ram pressure to overcome the high pressure losses associated with airflow through the reactor. At this speed the air enters the engine at 1,000° F., and the reactor must be much hotter to produce the required thrust. Thrust-to-weight ratio of the nuclear ramjet depends heavily upon the maximum wall temperature achieved in the reactor. If it could be pushed up to 2,500° F., then the payload percentage probably could go up to more than 50 percent of the total vehicle weight.

The high temperature requirement meant that Pluto reactors could not be made of the low melting point metals used in aircraft, shipboard, and ground power reactors. And the ramjet reactor could not be made of graphite, the nuclear rocket reactor material that operates to very high temperatures in the 3,000° F. range. Graphite and most other high temperature materials oxidize and deteriorate rapidly when exposed to hot air. The nuclear environment also imposed severe requirements, and the materials which conceivably could be used in the ramjet reactor were severely limited.

Beryllium oxide, a ceramic, was virtually the only candidate. It has two serious disadvantages, and a large percentage of Pluto funds have gone toward overcoming them. First, beryllium oxide is extremely brittle. Yet it has to withstand terrific thermal shock loads during reactor startup, and heavy gust loads and vibrations during mach 3 flight at sea level in rough air. The key technical accomplishments of the Pluto program have been to improve the mechanical properties of beryllium oxide and to devise design techniques which would hold the brittle reactor together for at least one trip around the world.

The second problem is that beryllium oxide releases fission fragments, radioactive particles, into the airstream when the reactor is hot. Reportedly, the rate of release has been reduced to the point that there would be no hazard to persons on the ground because the particles would be released over a very large area by a mach 3 missile.

Successful use of beryllium oxide has resulted in a relative light, high-power density reactor compared to any manned aircraft system. The Tory II–C reactor is only 4.7 feet in diameter and 8.5 feet long yet it produces 600 million watts of power.

Much of the low-cost, lightweight and relatively high payload percentage of the nuclear-ramjet vehicle can be attributed to the fact that low-altitude, mach 3, vehicles have no need for wings. Under these flight conditions a body of approximately cylindrical shape has as high an aerodynamic efficiency (lift-to-drag ratio) as the best winged aircraft. Usually the wings account for 10 to 15 percent of the total weight of an aircraft. If they are removed the payload can be increased by this percentage. On mach 3 vehicles there is the added bonus of reducing the structural heating problems when the wings are eliminated.

Pluto also has benefited from significant advances in high-temperature airframe structures. Eight years ago there would have been some legitimate doubts about building even a wingless airframe which would hold together for 24 hours of rough sea-level flight under the combined heating effects of a mach 3 airstream and heavy nuclear radiation. Today, it is considered within the state of the art to build the Pluto vehicle out of sheet steel that formerly was available only to turbine wheel designers.

All subsystems needed in Pluto vehicles have been reported in congressional testimony to be ready or well within the state of the art. Some of them, such as the basic inertial-guidance system, have been developed to a high state of perfection outside of the Pluto program. Others have been studied intensely with project funds. One of these is an automatically controlled air-inlet system with low reaction time, and a wide range of allowable operating conditions which compensate for the low power response time of the reactor. Another is a pneumatic actuator which sits on the front of the reactor and controls its power output by moving hafnium control rods into and out of the core. All the electronic components necessary for Pluto's communication, navigation, and bombing system have been developed in the project or in the nuclear airplane program.

Expert testimony before the Congress has indicated that Pluto cannot make any more significant progress without flight tests. Studies of military vehicles such as the SLAM (supersonic low altitude missile) and LASV (low altitude supersonic vehicle) also are at the point of bogging down without more definite data from Pluto flight tests.

Most Congressmen familiar with the program are highly critical of the administration because no formal requirement has been generated in the Department of Defense. Undoubtedly, the House Appropriations Committee will have substantial support in its move to cut off Pluto funds unless a requirement is generated.

Representative MELVIN PRICE, Democrat, of Illinois, reflected the general tenor of the Congress when he recently discussed the point. He said, "Consistently, the Department of Defense and the Air Force have stated that one of their main requirements is a low-altitude, supersonic aircraft manned or unmanned. They have stated this year after year. They still state it. They stated it again in the military posture hearings this year. So they do have a requirement for it. Whether they state it as a requirement officially or not, they certainly have stated it many times in presentations before the Armed Services Committees of both Houses of Congress."

In backing the Pluto development for several years Representative PRICE and most of his colleagues believed they were meeting a military requirement. Now that there is considerable doubt about this point they apparently are going to push for clarification of the military requirements that actually exist today and of Department of Defense policies used to establish requirements. Until such clarification Project Pluto seems destined for cold storage.

SUPREME COURT ERRS GRAVELY

Mr. ERVIN. Mr. President the News-Herald, of Morganton, N.C., published in its issue of July 13 a thoughtful editorial entitled "Supreme Court Errs Gravely." The editorial merits wide dissemination; therefore, I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SUPREME COURT ERRS GRAVELY

The U.S. Supreme Court went far afield in a recent decision on State legislative reapportionment when it laid down a "one man, one vote" guide.

Unlike some decisions by the Nation's highest tribunal that have brought immediate howls which gradually subsided, this ruling resulted in a low rumbling of protest which will rise to thundering proportions when more and more people begin to realize what the Court has done.

In an era when a favorite pastime has been to verbally blast the Supreme Court, it may well be that this reapportionment decision will bring the most lasting and, to the public's respect for the Court, the most damaging criticism.

It is not that the Supreme Court should not concern itself with legislative reapportionment. When State legislatures fail to provide reasonable and rational adjustment to population changes and leave the State in the control of small segments of the citizenry, they are inviting Federal Court intervention. Too often the Court has been criticized for acting on matters coming to it by default through inaction of the States.

The Supreme Court gave some directional signs some time ago on reapportionment, and this served as a warning to States to put their legislative houses in order in the matter of representation. It had a wholesome effect, we thought. This earlier view undoubtedly exerted influence on the decision of North Carolinians in January to reject the little Federal amendment which would have heightened the disparity between population and geographical representation in the general assembly. To have approved the Tar Heel amendment would have been to invite Federal Court disapproval.

But until the latest decision, the Supreme Court appeared willing to let the States work out their problem within certain generally prescribed rules. It had not appeared to be the purpose or the desire of the Court to fix exact boundaries of legislative districts or to lay down with exactitude in all particulars how the States must set up their apportionment plan.

Now the Supreme Court, in its serious plunge into the morass of reapportionment problems, says, in effect, that all States must conform to a course of action that will give to them the sameness of peas in a pod. It will not matter what traditions are behind any State's representation plan, whether legislative apportionment was set on the basis of population for one house and on geography for the other, or a mixture of both.

Eliminated is local discretion or experimentation. It will not matter what the people of a State themselves want. The Supreme Court has indicated that it will pipe the tune, down to the last note, and the theme will be "one man, one vote."

What is disturbing is the Court's presumptuous course of dictating an inflexible, restrictive pattern in all its minutiae. Population is undoubtedly the best basis for legislative representation, but it has not been the only one.

The Founding Fathers provided a Congress consisting of a House set up on a basis of population but with a Senate assigned geographically—two to a State, no matter its size. These Founding Fathers did not make population the sole determinant in the governing of the Republic. Now the Supreme Court comes along with a ruling which would seem destined, if carried out to its conclusion, to reach out and say that the U.S. Senate, provided for by the U.S. Constitution, is unconstitutional. The idea is fantastic but it is seen as a disturbing possibility by those who have studied the effect of the Court's ruling.

It would appear to be the business of the U.S. Supreme Court to be concerned about the rights of all citizens in the matter of legislative representation, and this concern can express itself in ways which serve to prod and needle lethargic State legislatures to protect those rights.

But the Supreme Court wades out over its head when it dictates in all detail how every State legislature must be set up, robbing the people of voice in any change of legislative machinery and depriving legislators themselves of any leeway in establishing variety. Every legislature must be cast in substantially the same mold—a mold shaped by the Court. No consideration is given to what the framers of the several constitutions wanted.

By indirection, the Court questions the wisdom of the Federal Government's own organization, which called for a stabilizing force in the legislative to be obtained by two Senators from each State elected for a longer term and from Representatives, elected for shorter terms, who are chosen on the basis of population. America's own system of checks and balances include the administrative and judicial in addition to the legislative, each with separate functions. It's unlikely that the revered Founding Fathers, even with the wisdom which enabled them to devise the machinery for what was to become a highly successful and fabulously large Republic, envisioned a judicial arm capable of laying down the law of the land unchecked by either of the other arms of Government and lacking in self-restraint.

The edict that holds that one man, one vote is mandatory under the Constitution can spring only from a complete lack of restraint, heavily larded with arrogance.

Few decisions have ever brought down on the head of the Supreme Court the wave of criticism which this adventure will bring to it.

BAIL: THE RIGHT OF ALL

Mr. HRUSKA. Mr. President, the Subcommittees on Constitutional Rights and on Improvements in Judicial Machinery of the Committee on the Judiciary, on which I serve, have scheduled joint hearings in the first week of August on three bills, S. 2838, S. 2839, and S. 2840. These bills seek to eliminate inequities now existing in the bail procedures in the Federal judicial system. In the unending effort to perfect the machinery through which equal justice under the law is assured, these bills have special significance. Because of the compelling need for this legislation, I should like to take a moment to comment on these bills and to compliment the Vera Foundation and the Attorney General for their work in spurring such reform.

In theory, the bail bond has two interrelated purposes: Bail, to allow the accused his freedom until brought to trial and bond, to insure the appearance of the accused at the trial. In practice, however, neither of these ideals is realized for the bail system serves only to equate human freedom with the ability to pay.

Our Founding Fathers recognized the inherent need for fair bail procedures when they wrote into the Constitution the eighth amendment which forbids the imposition of excessive bail. Frequently, the realization of this standard has been frustrated by modern realities. To the indigent, the imposition of any monetary bail requirement is often, in fact, excessive. A recent report documented this well:

> Those who go free on bail are released not because they are innocent but because they can buy their liberty. The balance are detained not because they are guilty but because they are poor. Though the accused be harmless, and has a home, family, and a job which make it likely that—if released—he would show up for trial, he may still be held. Conversely, the habitual offender who may be dangerous to the safety of the community may gain his release.

The legal profession has increasingly recognized the fact that the decision of the judge who sets the bail is less important than the cooperation of the commercial bail bondsman who provides the bond. His determination of the fitness of the accused for bail is final and in no way appealable. The indigent, the first offender, and the transient are those least favored by the bail bondsman, for him, determination is weighed on the scale of the businessman, rather than on the scale of justice.

To eliminate this situation in the Federal judicial system, S. 2838 and S. 2840 were drafted. The first provides that no person shall be denied bail solely because of his financial inability to post bond. Under the provisions of the bill, the indigent can be released on his own recognizance in the absence of a showing by the prosecutor of good cause which would militate against his release. This approach is in keeping with our traditional presumption that a man is innocent until proven guilty. Contrast this against the present practice which often imprisons the innocent and thus punishes him for the crime of being poor.

However, the bill also protects society and insures the presence of the defendant in a far more effective manner than the posting of another's money. Failure to appear at the time of trial is made a felony with stringent penalties.

S. 2840 further refines bail requirements by providing that persons admitted to bail be permitted to make a cash deposit with the court in lieu of sureties or collateral security. This deposit is refundable at the time of the accused's appearance.

S. 2839 deals with a related problem. It provides that all persons convicted of offenses in Federal courts must receive credit toward their sentence for the time spent in custody as a result of inability to procure bail while awaiting trial. The Federal law requires that this credit be given when there is conviction for crimes which carry mandatory minimum sentence, but it is not required in other cases. Simple justice would indicate that preconviction detention is equally onerous to one as another and each should be entitled to the credit.

The hearings represent another step toward meeting the challenge expressed by Attorney General Kennedy in a recent address to the National Conference on Bail and Criminal Justice. He stated that the challenge facing those concerned with improvements in criminal justice is to insure that "for the poor man, the word law does not mean an enemy, a technicality, an obstruction. Let us see to it that law, for all men, means justice."

All who are dedicated to eliminating the abuses in the present application of the bail procedures owe a debt of gratitude to the Attorney General and his staff at the Department of Justice for their efforts in expanding the number of cases in which defendants in Federal cases are released on their own recognizance and for their efforts in making the recent Bail Bond Conference a success.

The remarkable work of the Vera Foundation has already been documented in the RECORD by Senator ERVIN and others and is to be commended for its missionary work in the field of bail reform. Through the Manhattan bail project, the groundwork has been laid for much of the legislation and reform now being considered.

I ask unanimous consent that the complete address of the Attorney General to the National Conference on Bail and Criminal Justice on May 29, 1964, be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY ATTORNEY GENERAL ROBERT F. KENNEDY TO THE NATIONAL CONFERENCE ON BAIL AND CRIMINAL JUSTICE, INTERNATIONAL CONFERENCE ROOM, DEPARTMENT OF STATE, MAY 29, 1964

I would like to begin by reading to you briefly from a report on bail. "In too many instances," it says, "the present system * * * neither guarantees security to society nor safeguards the rights of the accused." It is "lax with those with whom should be stringent and stringent with those with whom it could be safely less severe." And the report goes on to recommend a greater use

of the summons to avoid unnecessary arrests and the inauguration of factfinding investigations so that bail can be tailored to the individual.

This report sounds very much like a product of this National Conference on Bail and Criminal Justice. It is not; it was written 37 years ago. Nevertheless, there is little about the present problems of bail which it does not tell us. The author of the report, Arthur Lawton Beeley, dean emeritus of the University of Utah Law School, is here today and it is proper for us to acknowledge his enduring contribution to the topic which brings us here now.

As Dean Beeley's report of 1927 makes clear, that concern is not new. For 175 years, the right to bail has not been a right to release; it has been a right merely to put up money for release, and 1964 can hardly be described as the year in which the defects in the bail system were discovered.

What is new, however, is the spirit of the period in which we approach those defects. We live in a time of growing awareness and responsiveness to the problems of criminal justice. There is an increasing concern among people all over the country who want to insure that the scales of our legal system weigh justice, not wealth.

A number of factors contribute to the development of this concern. The *Gideon* decision of the Supreme Court, requiring the appointment of counsel for poor defendants in State as well as Federal cases, is an important factor. The recommendations of our committee on poverty and the administration of justice, chaired by Professor Allen, are an important contribution. The administration's criminal justice bill, now in a joint Senate-House conference after passage by both bodies, is another factor.

This conference is an expression of the same spirit. What has been made clear here is that our present attitudes toward bail are not only cruel, but that they are illogical. What has been demonstrated here is that usually, only one factor determines whether a defendant stays in jail prior to trial.

That factor is not guilt or innocence. It is not the nature of the crime. It is not the character of the defendant. That factor, simply, is money.

And what this conference has demonstrated, perhaps above all, is that there is a great deal we can do to remedy that fact and to right the scales.

We have undertaken to do so at the Federal level. It is, after all, not the department of prosecution but the Department of Justice over which the Attorney General presides. As Mr. Justice Sutherland once observed, the interest of the Government in a criminal prosecution "is not that it shall win a case, but that justice shall be done."

The Department's cosponsorship of this conference coincides with our own efforts to make a wholesale reevaluation of bail practices. We began, as you know, in March 1963, by instructing all U.S. attorneys to recommend the release of defendants on their own recognizance in every practicable case.

We now have the results of a survey to find out how well this new policy has worked. They are illuminating. The rate of release on recognizance—without bail—has tripled, from 6 percent of defendants to 18 percent. Four districts release more than 65 percent of their defendants without bail. Despite these increases, the percentage of those who have failed to appear has remained about 2½ percent, just about the same rate as among those who are required to post bail.

But even these advances are a bare beginning. Our survey also shows that 32 districts released less than 10 percent of their defendants on recognizance last year, and 13 of these released less than 4 percent.

There is no question that circumstances vary in different Federal judicial districts, just as they vary among your communities. There are perfectly sound explanations for variations in the number of persons released without bail. But for the rate to vary from under 4 percent in some districts to over 65 percent in others indicates a far higher range than should be tolerated within a single judicial system.

One immediate step the Federal Government can and will take is to probe more deeply into the reasons for this range. We need to determine how more defendants can safely be released pending trial.

At the Federal level, we also can undertake experimental study of other approaches. Perhaps the most important is the use of the summons in lieu of arrest, a procedure described yesterday by Commissioner Murphy of New York.

I hope that within the next year, we can expand in U.S. Attorney's offices the experimental use of this summons procedure, as recommended by the Allen Committee and authorized by the Federal Rules of Criminal Procedure.

It is our belief that such experimentation can help us to improve the administration of justice in the Federal system. It can also provide information and examples of benefit to you, at the State and local levels, who must contend with so much greater a share of the problem.

Indeed, providing such assistance and guidance is one of the purposes of this conference. It is to this end that Mr. Schweitzer and I, as cosponsors of the conference, have established a three-point program of assistance:

1. We will shortly announce an executive board which will sponsor regional conferences on bail and criminal justice later this year in various parts of the country;

2. A detailed report of the work of this conference will be prepared and distributed to you and other law enforcement officials around the country;

3. We will seek to provide staff assistance to any communities which want to follow the examples of the projects we have heard about here.

These steps, like our Federal efforts, can be of assistance to you. But they cannot, by themselves, spare citizens from the physical, fiscal, and social cost of unnecessary or unjust imprisonment. That job is one for the law enforcement officials of the communities of the Nation.

Our consideration of the problem and of the potential solutions here has been diligent, but however diligent we are, I believe it would be a delusion for us to consider that the simple fact of our meeting here is some kind of major accomplishment.

The real work of the National Bail Conference cannot be done at meetings in Washington. It must be accomplished by action in the communities you represent.

What the conference does establish is that such action is possible—and that even one individual can accomplish a great deal.

Mr. Louis Schweitzer is an example. He is a chemical engineer, an outsider to the field of law and law enforcement. When he learned that people in New York City were held in jail for as long as a year prior to trial, he was not simply troubled; he sought to do something about it.

Think how much that resolve, of one man, has accomplished: the Vera Foundation, Manhattan bail project, the new Manhattan summons project—and even, to a large extent, this conference—are the results of his concern. And all this has happened in only 3 years.

Another example is that set by the two young men who serve as codirectors of this conference and whose energy and intelligence has propelled it from its inception. One is Daniel J. Freed, an antitrust attorney in the Department of Justice, who has contributed greatly not only to this conference, but also to the District of Columbia bail project, the Allen committee, and other efforts in the field.

The other is Herbert Sturz, executive director of the Vera Foundation, whose work has great continuing effect not only in New York, but in other cities which have sought out his assistance.

Yesterday, you heard a description of the work being done in Des Moines. That effort, likewise, stems from the interest and concern of one man—Gil Cranberg, an editorial writer for the Des Moines Register. His articles on the abuses of the bail system led directly to the development of the Des Moines project.

There has been similar effort or interest in other cities. The grant to finance this conference was made June 1, 1963. At that time, only four or five communities had bail projects underway. Now the number has increased fourfold.

Such programs can be developed in every community and I would like to suggest four steps toward doing so:

1. Myths and misconceptions about the bail process flourish among too many lawyers and even law enforcement officials. Collecting the facts about the bail system in your own community is an important starting point toward correction.

2. The same is true of the public, which has little occasion to think about the purpose of the bail system, let alone its abuses. A program of public education, like that conducted in Des Moines, can provide broad public support for efforts at reform.

3. A variety of experimental programs have been discussed and evaluated at this conference. These programs, which require little if any legislative authority, may very well be adapted to the particular conditions of your community.

The fourth point is a fundamental one. I began by speaking of the current spirit of concern for criminal justice in America and I would like to return to it now. By our concern for the abuses of the bail system, we can see to it that America does not unjustly punish the man who is already serving a life sentence of poverty.

But this conference presents us—prosecutors, police, sheriffs, judges, lawyers—all of us, a challenge which goes beyond the mechanics or abuses of our bail system. That challenge extends to the entire relationship of the poor man and the courts.

Let us today accept that larger challenge. Let us see to it that for the poor man, the word law does not mean an enemy, a technicality, an obstruction. Let us see to it that law, for all men, means justice.

TWA PURCHASES PLANES

Mr. MONRONEY. Mr. President, last Monday the Douglas Aircraft Co. and Trans World Airlines jointly announced the order by TWA of 20 Douglas DC–9 twin jet transports with an option for 20 more. This represents the largest DC–9 order to date and brings to 54 the total number now on order.

This large order continues the historic and successful relationship between one of the world's greatest aircraft companies and one of the world's best airlines. It was 32 years ago this month that TWA solicited a bid from Douglas to build "an all-metal, trimotored transport aircraft, capable of carrying at least 12 passengers with comfortable seats and ample leg room, cruising speed of 100–145 miles per hour and range of 1,080 miles." In response to this solicitation, Douglas built the DC–1, which was rolled out of the Douglas Santa Monica factory 31 years ago this month. This was rapidly followed by the DC–2 and the DC–3,

the workhorse of civil air transport and one of the most valuable planes of World War II.

The old DC–3 is still with us today, although many generations of aircraft have bypassed it. After 32 years of technological developments and growth in speed and size, our airlines are flying transoceanic jets at just below sonic speed. On the horizon is the supersonic transport. It is significant to me that while we continue our advances in size and speed, we are now returning to smaller aircraft designed for shorter routes and smaller cities which will give to more people the benefit of comfortable and safe jet transportation. I am confident that these smaller jet aircraft, such as the DC–9, will become the workhorse of the future just as the DC–3 was in the past.

The TWA order gives the DC–9 program a big boost and assures the continuation of the DC–8. These two aircraft will be built on a joint production line permitting economies of production on both aircraft.

The DC–9 will be valuable for commercial use and will also have military applications. It could be used for medical air evacuation purposes or for the transportation of military cargo. As the military administrative and special purposes fleet becomes obsolete, the military will have to find a new plane to meet its needs.

TWA's decision to purchase this shorthaul American-made jet will be a marked advantage to the U.S. economy. It keeps in this country millions of American dollars, many of which in recent months have been flowing across the Atlantic as a result of orders by other domestic airlines for the foreign competitor of the DC–9. It continues TWA's tradition of flying all U.S. manufactured aircraft and puts TWA well along the way to becoming the first airline to have an all-jet fleet.

I congratulate both Douglas and TWA and hope that the DC–9 will bring to both of them the success and prestige which the DC–3 did a short 30 years ago, and that they will continue to aspire to leadership in many fields of aviation.

LAND AND WATER CONSERVATION ACT

Mr. HART. Mr. President, I was delighted to see that the House yesterday passed the land and water conservation fund bill. This is an historic forward step in helping to meet the demand for outdoor recreation. The chairman of the House Interior Committee, Mr. ASPINALL, is to be congratulated for the steadfastness and the skill with which he guided the bill through the other body.

In the discussion on the House floor, my colleague Representative O'HARA raised the question of the apportionment of funds to the States under H.R. 3846 as reported by the House committee. Mr. ASPINALL indicated very clearly that there is latitude in the bill for the Secretary in making the decisions on apportionment.

I welcome this exchange because it had appeared that the bill discriminated against the heavily populated States, many of them in the midwest and east where the need for land acquisition is most acute and most costly. I hope that the Senate Interior and Insular Affairs Committee, in its further deliberation on this legislation, will expand on the legislative history initiated in the House, and will make doubly sure that the funds are equitably distributed.

BETTER MANAGEMENT IN THE FEDERAL GOVERNMENT

Mr. HART. Mr. President, a most distinguished body of businessmen concerned with the quality of Government employment and personnel policies today published an impressive and thoughtful study.

The proposals of the Committee for Economic Development were prepared by a group of businessmen under the chairmanship of Marion B. Folsom who, among his other accomplishments, has had a distinguished career in Government service.

I commend this report to my colleagues, especially the introductory statement, and the chapters on "A Permanent Instrument for Managerial Improvement," and "Compensating High Level Personnel."

Also, Mr. Folsom and Don K. Price, dean of the Graduate School of Public Administration of Harvard University, have written outstanding articles on this subject. Mr. Folsom's article is entitled "CED and Government Management"; Mr. Price's article is on "Incentives for Public Service."

Mr. President, I ask unanimous consent to have the three sections of the CED report and the articles written by Mr. Folsom and Mr. Price printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

INTRODUCTION AND SUMMARY STATEMENT

The long-term success of any complex organization depends on its key people. This is as true in Government as in private enterprise. For this reason, the Research and Policy Committee of the Committee for Economic Development centers this policy statement on those career and political executives holding senior positions in departments, bureaus, divisions, and independent agencies, on whom the effective management of the Federal Government depends.

This statement focuses on the need for highly skilled, intelligent, and broad-gaged individuals to provide management and leadership for the more than 5 million civilians and military personnel in the Federal service. It describes the changing nature of the management job in Government. It identifies the kinds of tasks performed by people in the upper echelons of Federal service. It recommends specific improvements to enhance the capacity of the Federal Government to attract, develop, retain, and make productive the kinds and numbers of people needed.

The problem of top-level personnel management in the Federal Government has been studied before. The 1937 report of the President's Committee on Administrative Management (Louis Brownlow, Luther A. Gulick, Charles E. Merriam) emphasized the need for modernization and extension of Federal personnel administration. Later, the Hoover Commissions (1949 and 1955) suggested a number of steps to improve Federal personnel practices. These and other studies recommended many means for correcting problems they identified, but often they proposed no mechanism for following through on their recommendations.

This committee believes that more attention should be given to maintaining capable managerial and professional staffs in the executive branch. While the President has both the responsibility and the power to achieve this goal, he needs more adequate tools with which to work.

Accordingly we recommend, in chapter VI of his statement, a means for increasing the President's supervision and control over his top management group: establishment of a suitable instrumentality in the Executive Office of the President. This instrumentality would make it possible for the President to give stronger leadership in personnel administration to those serving at top echelons in the career service. This, together with the proper functioning of personnel management in the agencies, would provide a well-balanced means for improving management throughout the Government.

We also recommend improvements in personnel administration, involving selection, executive and professional development, and compensation, the most important of which are summarized here:

Recognition in each department and agency of the vital character of the upper level personnel function, and assignment of special responsibility for it to a member of the agency's top management group.

Assistance to the President-elect and his department and agency heads in finding, selecting, and appointing key political executives.

Reexamination of department and agency programs designed to determine their requirements for top level people and to assess the adequacy of current agency recruiting efforts at upper levels.

Expansion of programs in the departments and agencies for executive and professional development, so as to apply the best practices used by modern business and Government in identifying, training, and utilizing persons of outstanding quality.

Annual performance review for each of these key people by agency selection boards that would be concerned with promotion potentials as well as with corrective measures for failures in performance and growth.

Establishment of two new and higher career grades, with entry limited in numbers to those with superlative achievement records and highest potential, involving suitable salary recognition and distinctive status.

Increased compensation at upper levels in Federal service, at least to the minimums recommended by the Randall Advisory Panel on Federal Salary Systems in 1963; and establishment of a means for objective determination of sound and equitable adjustments in future years.

Adoption of common business practices concerning expense reimbursement by the Federal Government for its responsible executives, covering legitimate expenses resulting from the job held.

These recommendations and the many others contained in this statement are essential, we believe, to improve management effectiveness in the Federal service. We are convinced that the various specific problems dealt with in this statement are interlocked, and that their resolution requires recognition of their interrelationships.

A PERMANENT INSTRUMENT FOR MANAGERIAL IMPROVEMENT

Any solution to problems of top personnel management in the Federal Establishment must recognize three major centers of interest: the departments and agencies; the Civil

Service Commission; and the Presidency—including the White House staff and the Executive Office.

In this statement, we have emphasized that each department and agency head is primarily responsible for the quality and performance of his executive personnel. We have recommended that those with top responsibility give close personal attention to matters of personnel management at upper levels, and that adequate staff support be provided to assist in recruiting, assigning, developing, and utilizing available executive and professional personnel.

Matters affecting presidential appointments in any agency obviously require close liaison with the President's immediate White House staff. On the other hand, liaison with the Civil Service Commission is required in day-to-day personnel actions affecting the bulk of agency manpower, for positions under Commission jurisdiction. For agencies and positions excepted from this jurisdiction, each agency's special responsibility is clear. In these latter fields, it is assumed that the departmental or agency personnel director—usually a career officer—will be responsible.

There remain, however, management actions involving the 8,600 upper level political and career personnel with whom we are concerned in this statement. Our position is that the department or agency head should deputize someone within his immediate official family to carry this responsibility. Whether this key officer may, for example, be a special assistant to the agency chief, or his administrative deputy, or the agency personnel director, is a major decision for each agency head to make. We make the recommendation without suggesting uniform implementation.

To achieve best results agency management improvement programs should be adapted to conditions prevailing in the agency. But of course no Federal department or agency—even the Department of Defense with its million civilian employees—can exist as a universe unto itself. While these organizations differ greatly in size and function, the President is constitutionally responsible for performance and effectiveness in all of them. He alone is vested with an all-service, Government-wide perspective, and with authority throughout the executive establishment.

The Civil Service Commission has varying jurisdiction over many of the separate personnel systems and services in the executive branch. However, several Federal personnel systems and a number of agencies are statutorily exempted from its control. In 1961, the President personally named the Chairman as presidential adviser on personnel policies throughout the Government, but both the Commission and its chairman are handicapped in undertaking positive dynamic measures to improve upper level management. We believe these handicaps are inherent in the Commission's organization, in the laws which govern its actions, and in its established patterns of operation. Therefore, we believe that it is unfair to hold the Commission responsible for carrying out the recommendations made in this statement.

The Commission is a bipartisan body with historic responsibility for keeping spoils, influence, and political discrimination out of the Federal service. This responsibility disqualifies it in dealing effectively with those among the 8,600 positions discussed in this statement that are high in political sensitivity. The Commission has many administrative assignments, in addition to those delegated to the departments and agencies over the past quarter century, and it has a quasi-legislative function involving the issuance of rules and regulations. It acts as a quasi-judicial body in respect to appeals by Federal employees (there were over 7,000 appeals in fiscal 1963)—a function which makes it an adversary, in one sense, to agency management. And in 1961 President Kennedy designated the Commission as management adviser on labor relations with Federal employees—a most difficult assignment.

Although the Pendleton Act of 1883 specified its responsibility to the President, the Commission has developed close relationships with Congress and congressional committees, as reflected in a huge volume of detailed enactments controlling its actions. The Commission is regarded as spokesman before congressional committees for all Federal employees in pay matters and in many other fields, even though its jurisdiction is limited.

There has been a distinct improvement over the past quarter century in the effectiveness of the Commission. It has delegated many of its administrative tasks which, before World War II, led to its description as "a paper mill." It has assumed a more constructive role in developing policy and in encouraging better practices in the agencies. Nevertheless, in the light of considerations just noted, we believe it is impractical to rely upon the Commission to make the recommendations of ths statement effective.

The third factor in solving top level personnel problems in the Federal Establishment is the President and his staff support in the White House and the Executive Office. In selecting the 500 top presidential appointees, and in getting necessary political and congressional clearances, the President depends chiefly on his immediate White House staff. Each President has approached problems of political selection in his own way, but all have relied heavily on their own staffs within the White House in making these critical appointments.

The President's influence, however, extends beyond the selection of his own appointees. The President sets the tone of management in the executive branch. At present, there is no administrative mechanism suited to the President's need for detailed support in working with upper level personnel management problems.

Managers of more than 80 departments and agencies are directly responsible to the President as Chief Executive. These men are aggressive, strong-minded advocates of their own programs. They have their own clienteles especially concerned with agency interests. The task to which the President must address himself is that of attempting to bring harmony and unity of purpose into this vast array of personnel and to channel the highly competent and effective initiative of these managers.

Although the President of the United States is constitutionally the Chief Executive, his capacity to exert effective leadership in personnel matters has been progressively limited. In the past 175 years, the Federal service has evolved from one in which the President could control nearly all appointments to one in which he effectively controls only a few. Yet the President cannot evade a constitutional responsibility for performance and results in the entire executive branch.

The president of any large corporation with so little effective control over his key executives would be severely restricted in his ability to accomplish corporate objectives and to operate the business effectively and profitably. The corporate head cannot be expected—any more than the President of the United States—to concern himself with all detailed personnel actions in each subsidiary. Hence he must have the means to assure himself that these actions are being well handled. Selection of key personnel—evaluation of their effectiveness—and their placement where and when they are needed—are primary essentials to sound management in industry. Surely, the same principles apply to public organizations.

Serious erosion of presidential capacity to maintain high standards in the executive establishment began with the spoils system. President Jackson considered it essential that Federal officeholders be sympathetic to the ends of the administration and the party. He placed a premium on party and personal loyalty, sometimes to the neglect of such other qualities as honesty and performance. The net effect was to diminish presidential influence over the administrative system, not to enhance it.

As a result reformers began to agitate for basing appointments to Federal service on merit rather than political partisanship. Finally, President Garfield's death at the hands of a disgruntled jobseeker evoked such public indignation that the Pendleton Civil Service Act was enacted in 1883. Gradually, more and more civilian jobs were placed under the merit system until, by 1940, over 90 percent of them were included in some form of merit coverage.

While the prevailing merit system presumably allows only capable people to be appointed, it has not completely ruled out the workings of the spoils system. A Congressman or Senator may exert more influence on appointments and key promotions in the agencies with which he deals, as a member of an appropriations subcommittee or of a substantive committee, than the President who is charged with constitutional responsibility for results.

From 1883 to about 1930, it was clear that the Congress had accepted the constitutional concept of delegating to the President the authority to make Executive appointments, manage the bureaucracy, and issue the necessary rules and regulations governing details of the civil service. Since 1930, a change has occurred. Congress has enacted a mass of detailed legislation, tending to freeze many administrative details of personnel administration into statute, thus depriving the President and his Cabinet of needed discretion and flexibility.

The Civil Service Commission has counted more than 1,500 separate statutes affecting personnel, the vast majority enacted since 1930. The Commission is now preparing a codification of these laws. In 1952, the Commission's annual report said:

"The last few years have seen a growing tendency on the part of Congress to legislate on the details of personnel administration. The Commission believes that by going beyond statements of policy and legislative intent to spell out procedures of carrying them out, Congress often creates a rigidity of operation and administration that interferes with efficient personnel management in the executive branch. Administrative rules and regulations are flexible and easily altered to suit changing conditions. Personnel procedures set by law can be changed only by new legislation after a necessarily lengthy process."

Under the present system, the President can exert only minimal influence over the selection, supervision, motivation, and evaluation of the thousands of key career executives on whom he must depend for effective execution of his policies. Obviously, he could never be expected under any circumstances to handle the vast details, but he must have assurance that the conduct of personnel management conforms to high standards.

At various times in the past 35 years, attempts have been made to give the President a more effective working relationship with the career personnel in Government. As early as 1929, a Committee on Personnel Administration was established by Executive order. This Committee was transferred to the Civil Service Commission in 1939. The Liaison Office for Personnel Management was established by Executive order in 1939, to function as liaison between Congress, the President, and the Federal agencies on personnel policy. In 1953, this Office was replaced by a Presidential Adviser on Personnel Policy. From 1953 to 1957, the Presidential Adviser on Personnel Policy was also

the Chairman of the Civil Service Commission.

In 1957 the President established by Executive order[1] the position of special assistant to the President for personnel management in the White House Office, in lieu of using the Chairman of the Civil Service Commission as his personal staff adviser.

The special assistant's assignment included major policy formulation and evaluation functions, but in 1961 the President chose not to fill the position and asked the chairman of the Commission to serve as his adviser.

Early in 1958 the President established the Career Executive Board. An adjunct of the Civil Service Commission, it was supposed to work out standards for a form of "senior civil service" for grades GS–16 through GS–18. The committee was inactivitated in 1958 as a result of congressional action, causing the Executive order to be rescinded in 1959.

Another phase of Government-wide personnel management involves the Bureau of the Budget, the President's principal arm in matters of organization and management. The Bureau plays an important role in personnel legislation and compensation. It was especially active for a decade—including World War II—when its Division of Administrative Management played a leading role in fostering improved personnel administration throughout the Government and in initiating efforts to attract high quality talent to the Federal service. An analysis of civil service policies and programs that required central attention in the Government showed that about 85 percent of them were initiated or resolved by the Bureau during those years.

One of the major efforts of the Bureau was to strengthen the Civil Service Commission in order to transfer many of these personnel tasks to it. While the Bureau's role has been reduced—the Division of Administrative Management has been replaced by a much smaller Office of Management and Organization—the Bureau continues to give attention to major personnel questions.

Thus there have been three central units of Government charged in one way or another with assisting the President on executive personnel matters: the Civil Service Commission, the Special Assistant to the President for Personnel Management, and the Bureau of the Budget. We believe that such resources could be more effectively organized and that the President's efforts to strengthen the executive personnel of the Government can be greatly enhanced if there is a clearer assignment of responsibility within the Executive Office of the President.

1. We recommend that there be established in the Executive Office of the President an Office of Executive Personnel. The powers, duties, and functions of the Civil Service Commission involving classification, recruitment, training, development and separation for all personnel above grade GS–15 should be transferred to this office, although insurance and retirement matters can be left under the Commission for administrative convenience. The office would become a center for dealing with all upper echelon civilian career personnel, including those not under the Classification Act, although its jurisdiction would not extend to political or congressional clearances.

Working closely with the Bureau of the Budget and the Civil Service Commission, this Office would help the President to establish and maintain high standards of quality and performance at these crucial levels. The new Office would assist the department and agency heads, and other top officials in solving their personnel problems at these levels and in exercising their basic responsibilities for recruiting and development of their own personnel.

Just as the Bureau of the Budget advises the President on budgetary and administrative matters, the Office of Science and Technology on scientific subjects, and the Council of Economic Advisers on the national economy, it is intended that the Office of Executive Personnel be the main source of advice to the President on upper level personnel policies. The Bureau, the Council, and the Science Office are located by law in the Executive Office of the President and are not a part of the White House staff, as such. Similarly, the new Office would also be part of the Executive Office. Under this proposal the White House staff would continue to handle patronage matters and congressional and political party clearances, as it now does.

Working in consultation with the Bureau of the Budget and the Civil Service Commission, the Office of Executive Personnel would perform a number of important functions. It would:

Maintain liaison with the officials of each personnel system of the Government concerned with these high posts and foster collaborative efforts and approaches designed to strengthen and make more effective use of the executive personnel of the Government.

Formulate policies and regulations for consideration by the President relating to recruitment, development, classification, promotion, transfer, and separation of supergrade personnel; and supervise their execution.

Prepare and maintain a complete inventory of each position in the executive branch above grade GS–15 or its equivalent, including all appointments by the President and agency heads, with a brief summary of the job specifications for each position, and a statement of the personal qualities, capabilities, and experience required for effective performance in the job.

Develop and maintain an inventory of prospective talent for these positions including present incumbents and potential appointees from outside the Government and from lower levels in the Federal service. This inventory should include significant details concerning capabilities and past performance.

Assist agency heads in their search for competent talent.

Monitor the operation of agency selection boards charged with determination of the promotional potential of those individuals who, by virtue of their outstanding performance, should receive full consideration as vacancies occur.

Monitor systems for identifying supergrade personnel who become superannuated or who fail for any reason to measure up to their assignments and to grow on the job, and the actions taken in consequence.

Review and examine the progress of individual agencies in their efforts to better the quality and performance of managerial personnel, and recommend to the President extension of useful methods found.

Advise the President, at his request, concerning the capabilities and qualities of individuals under consideration for Presidential appointment.

Analyze allocations of upper-echelon manpower by type, geographic location, and agency, and recommend such realinement as may be deemed desirable in the interest of better manpower utilization.

Explore every possibility for strengthening and extending existing systems of nonmonetary awards for outstanding performance at these exacting levels, and recommend to the President such changes as may be helpful in providing suitable recognition.

The precise functions of the Office of Executive Personnel, its relationships with the Civil Service Commission and the Bureau of the Budget, and its responsibilities in respect to the departments and agencies will need to be defined within the general framework outlined here.

In essence, the Office of Executive Personnel would exercise a positive and dynamic influence in the improvement of personnel management in respect to that thin but vital layer of executives who determine the tone and competence of the entire Government. The Civil Service Commission would continue all of its functions relating to the million or more Classification Act employees, and would contribute from its knowledge and experience, to policies and actions relating to the supergrades as formulated in the new office.

The director of the Office of Executive Personnel would be appointed by and serve at the pleasure of the President. He would take his place as a member of the team in the Executive Office of the President along with the heads of the Bureau of the Budget, the Council of Economic Advisers, and the Office of Science and Technology. He would be assisted by a small staff of high-quality career personnel.

The director of the office should himself be a person of the highest reputation and competence. The President might well decide to select him from the ranks of the proposed new supergrades—the "career executives" and "career professionals" at grades GS–19 and GS–20—as an administrative career official of highest distinction.

We recognize the propriety of placing the political liaison function in matters involving Presidential appointments in the hands of a Special Assistant to the President—a member of the White House staff—in accord with recent practice. The Office of Executive Personnel should not be concerned with "clearances" of prospective Presidential appointees with congressional committees, Senators, party committees, clientele groups, or any other focus of political power external to the Federal executive branch. This function is important—even vital—to the President as leader of his party nationally. It is suitably entrusted to his immediate White House staff, as has been customary in recent years.

We have recommended that inventories of positions and of people—both career and political—be developed and maintained by the Office of Executive Personnel and in the agencies. This would be a valuable resource in the selection and promotion of Presidential appointees, readily available to the Special Assistant for Political Personnel and to department and agency heads. However, the role of the Office of Executive Personnel in matters of political appointments should be limited to information, service, and assistance to the White House, per se, and to Cabinet and agency officials. The office should be free to concentrate on its primary assignment—improvement of the quality and utilization of managerial and professional personnel at the upper levels of the Federal service.

2. We recommend that the Office of Executive Personnel be responsible for assuring that orientation programs for political

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[1] The order states in part:

"SEC. 2. The special assistant to the President for personnel management shall:

"(a) Assist the President in the execution of his duties with respect to personnel management, and advise and assist the President concerning personnel-management actions to be taken by or under the direction of the President, exclusive of actions with respect to Presidential appointments.

"(b) Assist the President in the formulation and execution of his civilian personnel-management program, the establishment of policies and standards for the executive departments and agencies relating to the said program, and the evaluation of departmental and agency personnel-management programs and operations under such policies and standards."

appointees are established and properly conducted; and that both orientation and development programs for career employees promoted to grades GS–16 through GS–20 are soundly organized and executed.

3. We recommend that there be created a bipartisan Advisory Personnel Council composed of distinguished private citizens familiar with modern personnel practices. This council, attached to the Executive Office of the President, would meet at intervals to review the work of the selection boards and to examine the conduct of the Office of Executive Personnel in all matters affecting career service employees. It would report the results of its findings to the President.

4. We recommend, finally, that the Office of Executive Personnel, after consultation with the Civil Service Commission, the Bureau of the Budget, and other appropriate offices, prepare for the President appropriate recommendations to Congress for simplifying the statutes governing Federal personnel practices to the end that effective management of top personnel may be strengthened in the executive branch.

COMPENSATING HIGH LEVEL PERSONNEL

The Federal Government must compete with other bidders for its share of the limited numbers of highly talented people with sound training and broad experience. Success in the competition is crucial to effective Federal management. To achieve success remuneration cannot be neglected.

The business community finds the Federal pay structure at upper levels unbelievably low. Best business practice makes systematic and orderly approaches to compensation matters, with separate and distinctive recognition given to such groups as company officers, managerial and supervisory personnel, scientific and technical people, clerical workers, and hourly labor. The business community therefore questions the significant differences between the Federal system and private organizations, especially in the treatment of the men at the top.

Admittedly, more than money is involved in attracting qualified personnel to governmental service. The prestige value of some positions at the top of the Federal establishment makes recruitment of capable individuals for these positions possible with relatively little regard for dollar compensation. Moreover, the desire felt by so many Americans to render a public service, even at some financial sacrifice, fosters the tendency to pay upper level public servants much less than they would get in comparable positions outside the Federal service. Prestige and devotion to the public good substitute for money to some extent, but in the longer run a lack of financial incentives tends to reassert itself. Dedicated public servants are often forced to take private employment.

The differences between public service and private employment make direct dollar-for-dollar comparisons between private and upper-echelon public employment difficult and inconclusive. Nevertheless, standards of comparability and of equity need to be given serious consideration if we are to avoid creating a climate at the top of the Federal service that limits employment to those who can afford it, or who use public service as a steppingstone to better positions outside of government, or who crave power as an end in itself.

A rationale for executive compensation

It is the view of this committee that distinctive considerations should govern the patterns for each of three specific groups. These are: (1) Beginners in the Federal service who have long-range managerial and professional potential; (2) top Presidential appointees; and (3) policy-oriented managers and specialists associated with the top executives at supergrade levels or their equivalent.

Beginners

In order that the Federal Establishment may maintain a suitable reservoir of manpower with the highest long-range potential, the pay for those drawn directly from the universities must be high enough to attract to Government its reasonable share of the most talented. The Federal service employs about 20,000 university graduates annually. These individuals, given proper training and development opportunities, should supply much of the Nation's need for high-ranking Federal managers and specialists 20 and 30 years from now. But if this inward flow of young people is not adequate or is of too low a quality, the long-range capacity of the Federal Government to function effectively will be progressively weakened.

Since the earliest days of the Republic, complaints have been made of inadequacy of Federal pay at these levels. However, present Federal pay scales available to the average university graduate are roughly equal to those offered in competing employment opportunities. In spite of this, there is concern that the Federal Government has not been attracting a proportionate share of the very best university graduates, for whom there is intense competition in the private sector backed up by flexible and adaptive salary and other inducements.

Although recent improvement has been noted, there is no conviction that the problem has been solved. The poor impression of careers in Federal service that prevails in university circles is partly due to the fact that maximum achievable salaries and benefits for superlative performance at upper levels in the Federal service are excessively low. Raising beginners' pay scales above competing levels is not the answer. Preferable alternatives are found in providing better training and development opportunities, in greater assurance of advancement on merit, and in higher pay at upper levels. Without a steady influx of alert and able graduates, the Nation must be prepared to accept progressive deterioration in the quality of Federal administration.

Top Presidential Appointees

Pay scales for top Federal executives involve entirely different considerations. This group is, and should be, replenished at frequent intervals from outside the Federal service. As of June 1964, these 500 top political positions are lumped in a tight pay bracket of $19,000 to $25,000 per year. What factors should determine their pay?

1. Pay must be sufficient to draw into Government or to retain the people best qualified for these key assignments. The jobs are so important that the Nation cannot afford to have them filled with second-raters. It is hardest to recruit for the lower echelons in this group because many of the less visible positions carry with them substantially less prestige than those at the very top.

This implies the need for some degree of comparability with private industry for these "upper-middle" posts, so that the combination of monetary and public service factors may still permit acceptance by those qualified. Although an improved pay scale might still require financial sacrifice for high-ranking executives drawn from private enterprise, at least appointees who are drawn from State and local governments or from universities and other nonprofit organizations would not then have to accept severe loss of income in assuming the obligations of Federal office.

2. Pay should be at least high enough to permit appointees to maintain a reasonable standard of living without borrowing or drawing on savings. Those who accept responsible executive posts in Government are expected to maintain certain levels of housing, observe official and social entertainment standards, and make proper provision for the education of their children through college and university. It should not be a necessity for those who accept these posts to go into debt for the privilege of Government service.

3. The salaries of top executives should bear a reasonable relationship to the pay scales for their subordinates. Each step upward in Government service should be reflected in significantly higher pay. This requires elimination of the palpable absurdity of grade GS–15 civil servants receiving higher pay than some of the 500 political executives and some supergrades as well. (The range for grade GS–15 in June 1964 was from $15,665 to $19,270; the grade GS–16 range was $16,000 to $18,000; and a number of Presidential appointees were at $19,000 per year.)

There is no standard list of these top Presidential appointees, but those identified in the Federal Executive Pay Act range from Cabinet and sub-Cabinet positions through board and commission members and heads and deputies of independent agencies down to bureau chiefs and directors of major divisions. They are usually subject to Senatorial confirmation and are commonly—though not always—subject to discretionary removal by the President or the agency head. Their dollar compensation is shockingly low in relation to those at and below the top levels of the career service.

Today, June 1964, the highest paid officers in the executive branch (excepting the President and Vice President) are the Secretaries of Cabinet departments, who receive $25,000. This figure is substantially below the prevailing level for comparably positioned executives in private enterprise, in universities, or in the larger State and city governments. For example, the median annual pay of top executives of several hundred manufacturing corporations was $91,000 plus fringes as long ago as 1961. Moreover, a Cabinet department Secretary's salary is currently less than that paid to 824 public officials in four States.[2]

There is no rational justification for paying the Secretary of the Treasury one-half, one-fourth or one-sixth as much as heads of private financial institutions, world banking and monetary organizations, or regional Reserve Banks—or for paying the Secretary of State far less than the presidents of large foundations—or for paying the Secretary of Defense a minor fraction of the compensation of heads of defense contracting firms. Some labor union officials receive twice the compensation of the Secretary of Labor. In addition to a pay scale which is outrageously out of phase. Cabinet Secretaries are expected to divest themselves of investment portfolios and other interests that potentially conflict with their public responsibilities.

Such a restricted upper limit creates a compression at all responsible levels immediately below the Cabinet officers. The range for sub-Cabinet Presidential appointees is from $19,000 to $22,500, and for all three civil service supergrades combined it is $16,000 to $20,000. This is not merely inequitable; it has a deadening psychological effect on supergrade civil servants who know that financial recognition will not accompany grade advancement achieved through exceptional performance.

The table shows the rates prevailing in January 1964, from the top political levels down through the supergrades to GS–15. It also shows the new levels included in H.R. 11049 passed by the House of Representatives in June 1964. As this statement goes to press, Senate consideration is dependent on the competitive pressures of other pend-

[2] California, Illinois, New York, and Pennsylvania.

ing business. The table lists, in addition, the recommendations made last year by the Advisory Panel on Federal Salary Systems (the Randall Panel). This group, of which Mr. Clarence B. Randall was Chairman, made a thorough review of all upper level Federal compensation, and recommended specifc steps to correct prevailing inequities.[3]

The Randall Panel proposals for executive levels I to VI, shown in the table, were set with little regard for comparability with executive salaries in the private sector of the economy. Although some of them provide 50 percent to 100 percent increases over existing pay scales, none would bring salaries for top-ranking posts up to those in some State governments and nonprofit institutions. We regard these proposals as minimal.

The amounts set in H.R. 11049 as passed by the House of Representatives, also shown in the table, are far too low. For example, the proposed salary of $32,500 for Secretaries of Cabinet departments would do little to correct existing disparities.

	January 1964 actual	1963 Randall Panel proposal	Passed by House June 1964 [1]
President	[2] $150,000		
Vice President	35,000	$60,000	$43,000
Level I. Cabinet Secretary	25,000	50,000	32,500
Level II. Deputy Secretary of Defense, Under Secretary of State, heads of the most important agencies	22,500	45,000	30,000
Level III. Cabinet Under Secretary, regulatory commission chairmen, heads of large agencies	21,000	40,000	29,000
Level IV. Assistant Secretaries, regulatory commission members, deputy heads of large agencies, and heads of certain agencies and bureau chiefs	19,000–22,000	35,000	28,000
Level V. Administrative Assistant Secretaries, chiefs of major bureaus, and highest level staff	19,000–22,000	33,000	27,000
Level VI. Heads and board members of smaller agencies, deputy heads of other agencies	19,000–22,000	30,000	26,000
Supergrades:			
GS–18	20,000	25,500	24,500
GS–17	18,000–20,000		21,445–24,445
GS–16	16,000–18,000		18,935–24,175
GS–15	15,665–19,270		16,460–21,590

[1] Figures are from H.R. 11049. As passed by the House of Representatives, the measure contains the "Udall amendment," which would provide automatic increases for level VI and above—as well as for the Congress—whenever lower grade maximums are raised, by comparable percentages.

[2] Including a $50,000 tax-deductible expense allowance.

[3] Report of the Advisory Panel on Federal Salary Systems, a committee print of the Committee on Post Office and Civil Services of the House of Representatives, dated Aug. 16, 1963, signed by Clarence B. Randall, Chairman, Advisory Panel on Federal Salary Systems, for and on behalf of Omar Bradley, General of the Army; John J. Corson, Woodrow Wilson School of Public and International Affairs, Princeton University; Marion B. Folsom, Eastman Kodak Co.; Theodore V. Houser, Sears, Roebuck & Co. (retired); Robert A. Lovett, Brown Bros. Harriman; George Meany, American Federation of Labor and Congress of Industrial Organizations; Don K. Price, Graduate School of Public Administration, Harvard University; Robert Ramspeck, former Member of Congress from Georgia; Stanley F. Reed, Associate Justice (retired), Supreme Court of the United States; Sydney Stein, Jr., Stein Roe & Farnham.

Executive and Professionals at Supergrade Levels

The third group deserving separate or distinctive consideration in pay matters consists of the policy-oriented managers and specialists, above grade GS–15 but below the political executives. The group includes the supergrades and their equivalents, Public Law 313 categories, and other similar statutory classes. As we have noted, this group is made up of some 8,000 key people who, together with 500 Presidential appointees, determine the ability of the Federal Government to function effectively.

Elevation to these ranks from within the service should involve recognition and assumption of a higher level of policy responsibility than in lower ranks. Much more should be made of the milestone, even with scientists and engineers, where promotion to this level may now go largely unnoticed.

The transition implies a just claim for a commensurate salary level, well above the highest pay in lower ranks. (In June 1964, the highest pay for grade GS–16 is $18,000; for grade GS–15, $19,270.)

Pay scales for this group need to be high enough to attract quality managerial and professional talent from private life. Experience over the past 40 years verifies this necessity. No major new Federal agency or activity over this period—whether dealing with wars, depressions, scientific innovations, or new types of governmental programs—has been staffed at its upper levels mainly from within the bureaucracy. The Government has not demonstrated capacity to provide the managerial and professional skills desired in facing new situations. Hence, a flow of skilled manpower into this level from outside is imperative.

The degree of job security has an obvious bearing on pay scales. Most persons in this group, especially those appointed from within, continue to enjoy the same tenure rights as before, despite a higher degree of policy responsibility. Schedule C supergrades, however, are removable at the pleasure of their superiors. They should enjoy all fringe benefits of the career supergrades, or receive the equivalent in added compensation.

Upgrading and salary compensation

Congress, in the Salary Reform Act of 1962, recognized the principle that compensation for classified civil service jobs should be comparable with those outside Government. Provision was made in the act for an annual survey and review, although actual corrections depend upon legislative action.

Pay scales in force early in 1964 for Government workers in lower ranks (from grade GS–1 through grade GS–11) do not differ greatly from those outside. At grades GS–12 through GS–14, evidence is conflicting. On the one hand, salary surveys for typical job descriptions show Government pay somewhat below that in the private sector. On the other hand, the numbers of Government employees in grades GS–13 and above have almost tripled in 10 years, and this creates an inference of doubt as to the accuracy of the comparisons. It seems fair to conclude that if the averages at grades GS–13 through GS–15 are now below those outside Government, they are not very far below. This is in contrast with more severe inequities in the recent past. The new situation has come about in two ways—through a series of pay increases and through a vast upgrading process. Evidence is presented here.

Compensation for upper-level Classification Act employees—Average annual pay, 1953 and 1956; median pay, 1963

	1953	1956	1963 [1]	Increase, 1953–63 [1]
				Percent
GS–18	$14,800	$14,800	$20,000	35
GS–17	13,131	14,126	19,000	45
GS–16	12,193	13,126	17,000	39
GS–15	11,190	12,034	16,485	47
GS–14	9,891	10,679	14,545	47
GS–13	8,670	9,378	12,610	45

[1] An additional pay increase affecting all grades up through GS–17 was effective Jan. 1, 1964.

When the new pay raise in January 1964 went into effect, these grades attained roughly a 50-percent average increase in 11 years. These changes are not remarkable, especially since the 1953 Federal pay pattern was admittedly low and since similar adjustments occurred in private employment. However, these increases must also be viewed in the light of sweeping grade changes upward which took place during the same decade. The facts command attention.

	Number of employees			Increase, 1953–63	Maximum pay January 1964
	1953	1956	1963		
				Percent	
GS–18	65	102	313	382	$20,000
GS–17	162	242	697	330	20,000
GS–16	435	560	1,742	300	18,000
GS–15	3,876	4,444	13,205	241	19,270
GS–14	8,613	9,705	27,454	219	17,215
GS–13	20,943	23,562	56,635	170	14,805
Total, classified service	901,771	927,740	1,083,632	20	

To summarize, the number of Classification Act employees at grades GS–13 and above rose from 34,000 in 1953, to 100,000 in 1963. In other words, they tripled while employees at lower grades—those supervised—rose only 13 percent. This process occurred to a lesser degree in the Foreign Service, the Postal Field Service, and elsewhere. Above and beyond the pay increases for each grade that were granted during the decade, this sweeping upward reclassification added a further major increase in average pay.

The expansion of scientific programs and the need for higher skills to utilize more sophisticated types of equipment would account for some part of this upgrading. Admittedly, too, long delays in bringing Federal pay scales up to prevailing private levels increased the pressure to provide adjustments for deserving employees by reclassifying their jobs without actually changing the work to be done. It is unlikely, however, that satisfactory justification can be found for some part of this upgrading. Wholesale job reclassifications are not the best means for adjusting compensation to standards comparable with work outside Government.

Retirement arrangements

The negative effects of retirement arrangements on executive mobility in America are of increasing importance. At present, persons drawn into Federal service do not obtain a vested right to participation in the Federal retirement programs until they have had 5 years of service. This factor is especially important for Presidential appointees and others without tenure.

At these higher levels of Federal service, every encouragement is needed to bring to Government persons of the highest quality. In addition to the higher pay recommended, nontenure officials should either be given vested retirement credit after 1 year's service or equivalent benefits in severance pay.

Future adjustments

No matter what changes are made in the near future, there will remain a need for recurrent review of executive, legislative, and judicial compensation in the Federal Government.

Past history and recent experience both reveal serious weaknesses in the way this problem has been handled. Each year congressional committees consider one or more pay bills, affecting one or more of the several services—classified, postal field, foreign, military, or other—sometimes lumping together adjustments for lower grades with changes for executives, for judges, and for the Congress itself.

Such an approach tends to defeat any rational purpose in pay adjustment. The estimated annual cost of each such pay bill when passed in recent years has generally ranged from half a billion to a billion dollars. The overwhelming bulk of added cost is assigned to the lower ranks which, by most standards of comparison, are now receiving reasonable pay and fringes. Elected officials are acutely aware of the voting strength and influence of the 1.8 million Federal civilian employees affected by statutory pay scales, and of the 600,000 under local wage board jurisdiction. It is not surprising that rank-and-file pay demands command interest on Capitol Hill.

In contrast, executive pay proposals, sometimes included in the same bill, may involve a total annual cost of $20 million or less, but without pressure group support they may seem less urgent.[4] Even Presidents have sometimes hesitated to press for equitable executive pay scales, either from fear of political repercussions arising from popular misunderstanding, or because of budgetary concerns resulting from inclusion in an "overall" pay bill. Congress, affected by similar considerations, is doubly hesitant when its own pay is covered in an omnibus pay bill, and is fearful of popular wrath—rightly or wrongly—if it should raise its own pay. At the same time, many Members oppose correction of obvious inequities in executive pay unless and until their own scale is raised.

There is urgent need for a new mechanism, that will replace the present system with a disciplined and orderly approach. There is no organization in the Federal system capable and qualified to cope with the problem of setting equitable pay scales at top levels. Such a mechanism should be established, governed by these basic principles:

1. The objectivity and independence of that body should be above question.

2. It should be a thoroughly knowledgeable body, with access to solid staff support.

3. Its jurisdiction should be limited to this one subject—upper-level Federal pay.

4. The body should be re-established or reconstituted at regular, recurrent intervals, to consider and, when advisable, to propose any new adjustments called for in a changing world.

Congressional compensation

The present level of congressional pay was set in 1955, far below the recommendations at that time by the Commission on Judicial and Congressional Salaries, created by Public Law 220 of the 83d Congress. Annual pay in mid-1964 is $22,500, of which $3,000 may be taken as an unitemized deduction for Federal income tax purposes.

This level of compensation is low in relation to positions of significant trust and responsibility outside the Federal Government, or in comparison with that for successful professional men in America. To make the matter far worse, Congressmen are subject to a number of unusual expenses, most of which are not tax deductible. Some of these are:

Maintenance of a second home in Washington, at an annual cost of $3,000 to $5,000 per year; family moving expenses, from $500 to $1,500; frequent travel to and from their home districts, far in excess of the three round trips per year now reimbursable, for which added annual costs may reach or exceed $3,000; entertaining constituents in Washington, where Senate and House restaurant tabs alone may run into thousands of dollars each year; often constitutents do not realize that the Congressman pays from his own pocket; labor and materials for radio and TV tapes may amount to $1,000 or $2,000 per year, if not more; and gifts and contributions to deserving educational, religious, and charitable causes, requests for which cannot be rejected without embarrassment.

These extra expenses eat heavily into the average $17,000–$18,000 after-tax salary income of Senators and Representatives. There are, of course, the additional costs of campaigning for reelection, incurred every other year by Congressmen and every 6 years by Senators.

Under such pressures, many Members of Congress must depend upon income from private sources. About two-thirds of them are attorneys, eligible to earn legal fees, and all may accept payments for speaking engagements. There are no limitations on investments by Members of Congress, and no requirements that they disclose facts relating to their own incomes, expenses, and balance sheets.[5]

As a matter of public policy, Members of Congress should not be compelled to seek outside employment to break even.

This committee believes that congressional pay should be commensurate with the fact that the Congress has the world's largest legislative job. At the least, pay should be sufficient to permit living within official salary, without need to take time from the job and without undue family financial pressures.

In view of their personal financial problems, it is easy to understand why Members of Congress appear reluctant to vote raises in top executive salaries. The need is for correction of both ailments, so that Congressmen and Senators are appropriately rewarded for their efforts and reimbursed for their expenses, while executive pay scales are raised to levels equitably related to the responsibilities and qualifications of those who assume the positions.

Federal compensation problems at higher levels involve many complex, interrelated issues. Our objectives are to provide incentives for superior performance, to establish businesslike procedures, and to prevent future difficulties. To achieve these ends, this committee makes a series of recommendations.

Recommendations on compensation

1. The Randall Panel proposals should be adopted as minimum levels, and it should be recognized that these dollar amounts are less than and therefore still not comparable to compensation paid for similar positions in private enterprise.[6]

Adjustments should be upward from these levels, not downward. Pay for the Vice President of the United States should surely be more than the $60,000 suggested; and Cabinet pay well above the $50,000 recommended is thoroughly justified. If the lower pay scales now under active consideration by the Congress are adopted in 1964, they should be regarded as interim in nature, to be raised as soon as possible to the Randall Panel minimums.

2. Special consideration should be given to a concept of Federal executive pay for positions at supergrade levels, and above, that would establish the salary of Cabinet members as a benchmark, with other top-level positions compensated in suitable relation to this key figure.

If the pay of Secretaries of major departments is to be set at $50,000, subject to future adjustments by the Compensation Commission discussed below, other responsible executive positions might be scaled downward from this figure. Any lower level for Secretaries would invalidate this proposal, because of the destructive compression factor to which we have referred.

The pay scales for top executives contained in legislation currently pending would not solve the compression problem. In the longer run, Board and Commission members and heads of minor agencies should certainly receive more than $30,000. Higher levels would permit compensation of supergrade GS–16 well above the grade GS–15 scale, consistent with the change in status from a standard civil service post to one of acknowledged sensitivity and responsibility, lacking tenure in the position held.

3. Common business practices concerning expense reimbursement should be accepted and used by the Federal Government for its responsible executives, so that all legitimate expenses resulting from the job held may be fully reimbursed. Specifically, relocation costs for employees required to move in order to continue in the service should be paid.

For the 500 Presidential appointees, this should include family relocation costs upon acceptance of appointment, following established business customs. For all 8,600 top posts, it should cover at least all necessary travel expenses and all official entertainment costs, as well as every other type of reimbursement in common use by private organizations in relation to their managerial and professional staffs.

4. A much sharper distinction needs to be made between GS–15 positions and those in the supergrades. Achievement of supergrade status by promotion from within should rest solidly on merit, justifying salary well above the highest step in grade GS–15. There should be few, if any, step raises for supergrades, in order to avoid overlapping; and the total number of positions at each supergrade level should be strictly limited, although reallocations between agencies and between field and headquarters staffs may be well justified.

5. When the concept of two new supergrades with special status, GS–19 and GS–20, is adopted as proposed elsewhere in this policy statement, each of the new grades should be compensated at a fixed annual rate higher than for any lower grade, but below the pay scales to be set for those Presidential appointees as identified in pending legislation.

6. Considerable weight should be given to the need for increased comparability in fixing pay scales for all supergrade and equivalent positions at least so far as State and local governments, universities, and nonprofit organizations are concerned. Attention needs also to be given to competitive compensation levels in private enterprise.

7. Members of Congress should receive a minimum basic salary of $35,000 per year, pending upward adjustment by the Compensation Commission proposed below. Other costs (including travel, telephone, entertainment, and per diem expenditures) required to maintain necessary liaison with

[4] To raise the pay of 500 Presidential appointees an average of $10,000 per year involves an annual cost of $5 million.

[5] Senator PAUL H. DOUGLAS, of Illinois, published a voluntary statement on Mar. 13, 1964. He said that the cost of holding his office, including political costs, reduces his $22,500 annual salary to about $7,000, after taxes; and that this virtually requires a Senator to have outside income, which in his case totaled nearly $13,500 in 1963. Outside income consisted of about $5,000 in lecture fees and $780 from published writings, in addition to annuities and returns on investments.

[6] See Memorandum by Mr. Robert C. Sprague, p. 76.

Members' constituencies should be recognized as proper public charges and be dealt with accordingly. No part of regular salary should be tax deductible without itemization; the present arrangement is an anomaly and should be terminated whenever full expense reimbursement is allowed.

8. A Compensation Commission should be established by law, consisting of private citizens appointed some by the President and some by the Speaker of the House of Representatives, the President pro tempore of the Senate, and the Chief Justice of the Supreme Court, to serve for a brief period at the beginning of each full 4-year Presidential term. The Compensation Commission, with staff aid from appropriate Federal offices and outside sources, would have authority to devise suitable pay scales for executive branch personnel at supergrade levels and above, including the President and Vice President; for Members of Congress and top-level congressional employees; and for Federal judges and their principal administrative aids. The President would be authorized to promulgate these scales, if he approves them, to take effect at the beginning of the next calendar year, subject only to congressional rejection through concurrent resolution.

Presumably, the Compensation Commission would consist of highly respected private citizens, knowledgeable in the subject, wholly independent and objective in their view of the issues. Proper review and control would be retained, since either the President or the Congress could reject the actual scales proposed. The problem could be removed in this way from the annual list of sensitive political items by placing it on a quadrennial basis. Most important, all high-level Federal officials could be assured that their pay scales would have equitable reexamination every 4 years.

CED and Government Management

(By Marion B. Folsom)

This month of May marks the 22d anniversary of the Committee for Economic Development. We who took part in its founding were aware of the great need for an organization with the kind of objective approach to the solution of fundamental issues that has characterized CED. We had high hopes that this organization would play a significant role in our national effort to develop sound policies on a broad spectrum of economic issues—issues affecting the well-being of our country, and, in fact, the entire free world.

Over the years, our contributions have been simply a matter of making public our reasoned recommendations on these issues. I believe it is fair to say that CED's contributions have had an even greater, more vital bearing on America's economic progress and prosperity than any of us in May 1942 had hoped.

It is widely known that our recommendations have been constantly based on thorough research, tempered by the knowledgeable judgment of our trustees. Ideas and problem solutions that have seemed sensible to us have also had wide appeal to the public. As a result, many of our proposals have been adopted outright; others have lifted the tone and level of national discussion; and all have represented a major citizens' contribution to national policy formation.

CED is now developing a new dimension of profound interest to all citizens. During its first 21 years, CED focused its attention upon the many fields and facets of national and international economic policy. In 1963, however, the CED board of trustees, with financial assistance from the Carnegie Corp., the Edgar Stern Family Fund, and several other foundations, authorized the establishment of a new committee—the Committee for Improvement of Management in Government.

Origins of the Committee

I might give you a little background on the origin of the committee. In November 1961 I was approached by several top officials of the Kennedy administration, and also some officials of the former Eisenhower administration, and several management consultants and personnel people. They discussed their desire to set up a new organization with the idea of improvement of management in government. There was no organization dedicated to this purpose, and they thought that in this area one should be set up. They had the promise of funds from the Carnegie Corp. to finance the cost of it.

They came to me, they said, because they felt my experience in both Democratic and Republican administrations would make me acceptable to both parties. They asked if I would head up the committee that was to be established. I told them I wasn't at all interested in setting up a new organization because I felt that the country already had too many organizations. I also feared that we could not get the right kind of people to serve because most such people were already tied up in other ventures and activities.

On examining their prospectus, however, I was surprised to see that they were patterning the organization, very much along the lines of CED. Indeed, it referred quite often to what the CED has been able to accomplish.

The idea occurred to me that CED might do this job. I took it up with T. V. Houser, Alfred C. Neal, and Theodore O. Yntema. They were very interested. I went to the Carnegie people. I found that 40 trustees had held active and responsible positions in Government over the years and that we could put the prestige of CED back of the organization. This would also save the expense of setting up a new committee. And we could also cut the overhead.

This proposal appealed to the Carnegie Corp. and the Washington originators of the idea. We had practically no dissent. Some said that we ought to have some members who were not on the CED trustee list. We agreed that there would be 10 non-CED trustees and 25 members of CED. That was the project which was launched and approved in May 1963. We started to work at that time.

The CED members who accepted membership in CIMG are all heads of large business organizations with considerable experience in business and thoroughly familiar with the processes of our committee.

It is an impressive amount of Government experience which these businessmen have brought to bear in this committee. In addition to that, the 10 people selected from outside CED include 2 college presidents, who have broad experience in other fields.

Among the CIMG members are 4 former Cabinet secretaries; 3 former Under Secretaries; 3 former Assistant Secretaries; 2 heads of commissions, including the Federal Reserve Board and the TVA; 11 chairmen or members of the Federal advisory committees; 7 directors of bureaus, or chiefs of Federal agencies; and 6 special assistants to the President or Cabinet officers; 1 former Senator; and 1 former Congressman.

The committee has also set up an active advisory committee of technical experts, on which are included a number of experienced management consultants, who also have had wide experience in government as well as business. None are now connected with government. Also on the advisory board are several academic experts in the field of public administration.

Mission of the Committee

The mission of this committee is to represent the great public stake in better government management. It plans to examine basic issues arising in the management of governmental affairs and to formulate proposals for the improvement of public administration. By means of statements issued through CED's Research and Policy Committee, it intends to make its findings available both to official policymakers and to the broader public.

The committee hopes, by utilizing the CED process of research and discussion between committee members and advisors, to bring objective, nonpartisan wisdom to bear on essential ethical problems of governmental management at all levels.

This new program for the improvement of management in Government is not only in the CED tradition but also in the best American tradition in facing and handling tough problems. Back in 1787, the ratification of our Nation's Constitution depended heavily on the widely published, closely reasoned arguments of three private citizens—Alexander Hamilton, James Madison, and John Jay—whose writings later collected in a single volume are still studied throughout the world today, 175 years later, as the Federalist Papers. What a contribution these men made—to their country and to all mankind—simply through their wisely chosen, widely published words.

From 1788 on, citizens began to organize groups to present their points of view to the new Government, often in the form of protests, sometimes in the form of positive reform proposals. The concept of citizen organization to change and to improve Government policy is the basis for a continuing American tradition, as witness the great number of voluntary organizations we have, representing almost every special point of view.

CED was organized in this tradition, and something more was added, which makes a great deal of difference. CED is a citizen group of businessmen and educators, but in its charter it is required to consider policy recommendations "without regard to and independently of the special interests of any group in the body politic, either political, social, or economic." Moreover, it utilizes the best available research on any subject it may study, and it works with a distinguished group of advisers from the academic world, who are extremely helpful.

Continuity and CED

There have been many studies of national government organization and procedures made by distinguished groups of citizens in the past, notably the two Hoover Commissions. These organizations were set up for a one-time purpose. They made their reports, usually consisting of an extensive menu of diverse recommendations, and then went out of business. But CED is a continuing organization; it can and does follow through on its recommendations.

With this approach, the committee for improvement of management in Government has already begun its work. Almost at the outset, we settled on the problem of executive personnel in the Federal Government as probably the most important single issue in this field. We began work on a policy statement on this subject.

The first policy statement concerns the recruitment, training, compensation, and utilization of the 8,600 political, military, and career executives on whom the President must depend for the effective operation of the Federal Government. We believe that our recommendations should increase the ability of the President to manage the executive branch of the Federal Government more effectively.

At present there is no effective, organized way for the President to utilize to the optimum the vast array of talent represented by these 8,600 executives. In fact, it took a special effort on the part of the CED staff to obtain a complete and accurate tabulation of these executives, their grades, the

agencies in which they work, and their location in this country or abroad. No published data were available in any one place, and the final tabulation we received was made by hand as of June 30, 1963, now only a year out of date.

If we contrast the role of the President in these matters with that of the head of a large private corporation, who not only knows who and where his key executives are but also knows what goals are set for them and how they are performing, we find that the contrast provides some measure of the difficulties the President has in doing his constitutional job.

HIGHLIGHTS OF POLICY

Some of the highlights of our policy statement which we recommend are as follows:

Better help for the President-elect and his nominees to key department and agency posts in obtaining effective political executives.

By political executives we mean those who are not politicians. We are talking about those men who form the policy of the administration and who must be very closely allied with and loyal to the President. These are the officials who change office as the administrations change. There are about 500 of them.

Next, we seek ways to improve the effectiveness of agency management through more attention to upper-level personnel problems, in recruitment and evaluation, for example:

Stronger programs for executive and professional development, using the best practices of modern business and government in the selection of people to be trained and in the kinds of training to be provided;

Individual attention for each of these key top people to encourage productivity, to place them in the right assignments, and to judge performance on a merit basis;

Fuller recognition of superlative achievement records both through suitable salaries and distinctive status; and last but not least,

Realistic compensation at upper levels in Federal service as a means for objective determination of sound and equitable adjustments in future years.

The statement recommends that a commission be appointed by the President, Congress, and the Supreme Court. This commission would make an objective study and issue periodic reports as to what changes should be made at this level of compensation.

Adoption of common business practices concerning expense reimbursement by the Federal Government for its responsible executives.

Provision of proper staff assistance for the President in carrying out his personnel functions.

These recommendations on executive personnel should help both the President and the agency heads in improving the effectiveness of the entire Federal Government.

CED'S PROPOSALS

This first CIMG statement deals with the personnel procedures, the recruitment, training, development of top-level management personnel who have so vital an influence in the running of the Government. The committee has a long list of other subjects which it is going to consider later. It plans to cover government in general, State and local as well as Federal. It also has plans to take up various congressional problems, but it feels it ought to leave the Congress to the last.

Another important problem the CIMG will study in the immediate future is the matter of the presidential succession.

Later it will go into the question of the organization of the Executive Office of the President. The President now has a Bureau of the Budget, a Council of Economic Advisers, a National Aeronautics and Space Council, an Office of Emergency Planning, the National Security Council, and the Central Intelligence Agency.

These agencies are part of the Executive Office of the President. The committee thinks it would be helpful to have a study made of them, to see if recommendations for efficiency can be made.

The committee will also make a study of the Civil Service Commission. The first statement covers only the upper echelon of civil service. It does not concern itself with people below the upper grades. This is a subject that should have careful study.

Another statement which the committee will tackle is fiscal control in the Federal Government. The budget procedures, as far as the Executive Office is concerned, are good but the committee believes that budget procedures in Congress are inadequate. The combination of taxes and revenues and expenditures need careful study.

We also have a long list of subjects, enough to keep us busy for many years, but we hope to take up the most important ones first, as we have done in our initial study. We expect to have two statements ready for publication each year.

Later the CIMG expects to get into the question of relationships between the executive departments and the Congress. Does Congress get too deeply into executive functions, and into the various agencies? This is something about which the people know too little.

Moving from the Federal eminence, the CIMG expects also to get into the question of municipal government and into what many believe is the weakest spot in our whole governmental system in this country—county government.

The creation of the committee for improvement of management in Government was a major step in the history of CED. It has extended the scope of CED constructively into an area closely interrelated with economics and an era of tremendous importance to the welfare of our country.

I do not view the work before the CIMG through rose-colored glasses, however. The complex and frequently controversial problems facing the committee in its studies present a challenge of unusual dimensions. Yet, I am convinced that the opportunity to make a deep and lasting contribution is at least as great as in any other area of the work of CED.

INCENTIVES FOR PUBLIC SERVICE

(By Don K. Price)

In the interest of candor, I think I should start with a confession. When I first heard that the Committee for Economic Development was thinking about working in the field of government management, I had considerable qualms. After all, any old hand in the business of government can recall a great many efforts, most of them abortive, to apply to public administration the lessons learned in private management. But I now think that I was quite wrong, for two reasons that I should have thought of even before I knew the quality of the men who would lead the work, and long before I saw the draft of their first report.

The first reason is that it will be a welcome change to see this problem tackled by an organization that, on the record of its previous performance, has some chance of doing something about it. I have taken part in the work of too many committees that had all the right motives but not enough influence to accomplish anything. On the record of its work in the field of public policy since the second World War, the CED is in a conspicuously more favorable position.

The second reason is that CED, by the way in which it has made use of systematic staff work and professional advice, as well as the procedures of committee deliberation, has often managed to get to the heart of new problems, rather than to repeat traditional platitudes. This is a refreshing contrast to the general attitude that was spoofed in a television skit several years ago. The junior executive, during the office coffee break, was pontificating on some political topic. "It's a moral issue," he said with great fervor. "Yes," said the stenographer, "that's so much more interesting than a real issue."

The general public is always tempted to get more excited by the issues that can be expressed in moral generalities, than with the practical measures that are needed if we are going to carry out moral purposes. That is why those who merely wish to obstruct a particular policy often choose not to argue the issue in terms of its purposes, but to oppose the administrative measures that would be needed to make it effective. So when CED was founded two decades ago on the realization that the interests of the business community in particular, and the Nation in general, required businessmen to take a more positive interest in public policy, it was more or less inevitable that it would see that sound policies mean very little indeed unless supported by government management of adequate quality.

INCENTIVES IN PUBLIC SERVICE

Even more important, the American businessman—if he does decide, as I take it CED is deciding, to take a positive interest in the improvement of Government management—has a special reason for taking a practical look at the heart of the problem, which is the nature of the incentives which this Nation offers for public service. There are political idealists and dedicated reformers, I know, who resent the notion that public service should depend on incentives. To them, to consider the problem of practical incentives is a profanation; should not patriotism and personal dedication be enough?

This idealistic point of view has a long history; it goes back at least to Plato, and to the notion that any ideal is corrupted if it is given material form. In recent political thought, it has plagued the businessman by suggesting that no work undertaken for profit can also serve the public interest—that no man who keeps an eye on his profit and loss statement can at the same time be trying to serve the public. Businessmen should be so resentful of being singled out for criticism on this principle that they should be the last to apply it to others. For civil servants, like plumbers and professors and corporation presidents, are not necessarily corrupted in their zeal for service by being given the means to provide for their families and educate their children on standards commensurate with their responsibilities and their contributions to society.

I have no doubt that the committee for improvement of management in Government has made a wise choice in concentrating on the problems of top management, and in taking a particular look at the pay and the status—in short, the system of material incentives—of the top civil service. This is an issue of the greatest long-range significance for our Nation, and its importance ought not to be obscured by being overlaid so heavily with the dreary mechanics of personnel classification and administrative regulations. Such dull details should not keep us from seeing the real problem: how our Nation—in its public as well as its private institutions—can fill its positions of greatest responsibility with men of the highest talents.

ADMINISTRATION AND EMPIRE

Two or three centuries ago, it must have seemed a rather unexciting difference between England and continental Europe that in England only the oldest son of a nobleman became a nobleman. But the result was that the younger sons of the peerage, being commoners, were given the incentive to go into

trade and industry, or into active government service. This was an incentive system that made it possible for Britain's traditional leadership to adjust to the social pressures of the industrial revolution, and steer the United Kingdom, without a political revolution, into a position of economic supremacy.

About a century ago, it seemed a rather pedantic matter that Macaulay and Trevelyan were proposing to recruit the top grade of the civil and foreign services from among the ranks of university graduates with general education, rather than either continuing to rely on patronage or providing a special type of bureaucratic training. But the result of this pedantic distinction was that the British created an administrative system fit to govern an empire and to adjust to new challenges, rather than a rigid bureaucracy that was isolated from the general political and economic leadership of the United Kingdom and resistant to the currents of social change.

Even though the British system cannot be transplanted to the United States, we will do well to imitate its essential feature: the conviction that the Government service requires a considerable share of the Nation's top talent, and that it should get it by using the incentives and methods that are normal in its own society. We have been aware, in an academic way, of the merits of the British system for some 80 years—ever since President Arthur made Dorman B. Eaton, who had written the first book on British civil service, the first Chairman of the U.S. Civil Service Commission. But nations are rarely moved by superior moral examples. For several generations, we professed to admire the British civil service, but acted as if our own could be recruited and staffed by exhortation, much as if it were a suburban PTA, in which the wives, whenever a crisis arises, muster their tired husbands for an unwilling kind of volunteer duty.

A FUNDAMENTAL QUESTION

If, as a nation, we decide to take seriously this job of improving the quality of our higher public service, I do not have the slightest doubt that we can do it, and do it well. I am therefore much less concerned about the specific details of the incentive system for public officials, than about the more fundamental question: Do we really wish to provide an adequate one?

I would be inclined to be pessimistic about this question, on the record of our past performance, if it were not for the fact that some major changes have taken place that give us, as a nation, some incentives to do something about the problem. It is important to recognize what these new national incentives are, partly as a stimulus to our own action, and partly because they will help us decide what kind of public service we need, and therefore what types of individual incentives should be offered in order to develop it in the proper directions.

The first of these new national incentives appears in the relationship of the United States to the rest of the world; the second, in the changing relationship between Government and private institutions, especially business; and the third, in relationships within Government itself between management and the scientific and professional skills.

As for our new relationship with the rest of the world, I do not need to belabor the point that we now live in a dangerous and revolutionary era, in which a strong government is necessary to assure, in the more pessimistic view, our national survival, and in the more optimistic view, to let us play our part in the building of a more peaceful and prosperous world order.

We have all learned this lesson so thoroughly that it is hard for us to recall how naive and hopeful we were in our earlier years as a nation—when the early Jeffersonians were talking about the days when the world would have abolished monarchial tyranny, and consequently, international affairs would no longer involve wasteful wars but only peaceful trade; and consequently, we could do without a foreign office and a diplomatic service—or when President Wilson was told that the general staff was preparing war plans, and indignantly ordered them to stop. Those were the innocent days when we were more afraid of the strength of our own Government than of any oversea power, and when we assumed that any policy issue could be resolved by legislative debate, without the aid of executive leadership or administrative staff work.

Today, we know better—in a spotty sort of way. As a nation, we are pretty clearly aware of the fact that no amount of legislative debate and no amount of Presidential political eloquence could assure our national defense, if it were not based on a powerful military establishment, led by general officers of a high order of competence. In short, we no longer think of competence among our military officers as a threat to our responsible political leadership, but as its necessary condition. We know that hardly any decision of importance in military matters could be made by political authority today, unless professional officers (military or civilian) had begun laying the groundwork for it 5 or 10 years ago, by military staff planning, or weapons systems development, or economic analysis. And to balance this career competence, we have maintained a powerful group of congressional committees, dealing with both the legislative and appropriations aspects of military affairs, and we have developed a powerful group of responsible civilian executives—in the Office of the Secretary of Defense and the Executive Office of the President—to make sure that this great military system is controlled in the public interest.

CREATION AND CONTROL

The incentive to build a government service appropriate to our new role in the world—the realization that, as Edmund Burke remarked, a great empire and little minds go ill together—has led us to appropriate action. But, as I remarked a moment ago, only in spots. And if we have learned that control of policy depends on first the creation, and then the control, of a strong corps of executives and administrative staff officers, we ought to begin to worry about the unbalanced way in which we have developed our Government career systems.

We have a magnificent group of military services, offering clear lines of career development up to ranks which command honor as high as any our society affords. The Foreign Service is on a similar career basis. But the civil service, generally, has only in recent years been starting to free itself from a system which was based on our hopeful optimism of a century and a half ago that if we had to have any government at all, what little there was could be managed by men with no special training, and no corporate loyalty to the government service as a whole—with no sense of dedication, indeed, except to the interest of the political party whose patronage put them in office.

This is far from a fair description of the civil service today. But the fact remains that, in an era in which influence over policy is exercised, to a very considerable extent, by career executives and organized staff work, we have introduced a tremendous bias into our system of government. The point is not merely that the military services have more money at their disposal than the civil service: that is inevitable, given the different nature of their jobs. But they also are set up under a personnel system that lets them offer attractive careers, a planned variety of experience, advanced training, and all the other components of systematic development in the direction of executive leadership. Until our civilian services—including the Foreign Service—are provided with comparable incentives, we had better not expect the civilian side of our national policies to be developed with the expertise and the initiative and the influence of which the military services are capable.

It therefore seems to me that we have a very powerful incentive as a nation to create a public service that is more competent, and better balanced as between its military and civil components, in the interest both of our national security and of our ability to keep our national policies in proper proportion. Some of the main recommendations in the policy statement, "Improving Executive Management in the Federal Government," are intended to provide the kind of individual incentives that will work in this direction.

INCENTIVES AND PAY

Some of these incentives are designed primarily to attract able men into Government service, and keep them there. The primary one of these is, of course, pay. As a member of the Randall Committee, I heartily support its recommendations on this subject, and I was delighted that the committee for improvement of management in Government agreed with that position. But almost as important as pay is the status that a man has as he reaches the peak of his career. And here the contrast, not only with the status offered by private business but also with the status offered by high military or ambassadorial rank, is a depressing one for the civil service. It is for this reason that I particularly applaud the recommendation to create some higher grades for the civil service, and let those who reach them hold their rank, no matter what assignments they are given by their political superiors.

At these higher ranks, the kind of incentive we need to develop is an incentive not only to stay in the service, but to be properly responsive to the policies of responsible political officers. And here, the present theory of the classified civil service, which was intended to keep the civil servant from acquiring bureaucratic power, has worked in just the opposite direction. A civil servant does not have rank in the way a military or foreign service officer has rank, which he maintains as a matter of course while his superiors assign him to one position or another. His grade applies only to the job he occupies. So, as a practical matter, if you wish to give him a reasonable degree of personal security, you not only have to guarantee that he draws his pay, but that he continues to hold on to a particular position.

The proposal to give greater status to the higher ranking civil servant, and a definite personal rank regardless of the assignment he may be given at the moment, would provide both a basis for a better career system and a means for insuring greater adaptability to the policies of a new administration.

POLITICS AND PRIVATE BUSINESS

I have been discussing the career services, where we have, I think, the greatest need to make the greatest changes. But as we recognize that the nature of the world we live in requires a strong government, and a system in which the career services have an important role in the development of policies, we are all the more eager to make sure that the career officers are under proper constitutional control. This means, in the United States, a control by their political superiors in the executive departments—by the assistant secretaries and secretaries—with full accountability to the Congress and its committees. The weakest link in this system, in recent decades, has probably been at the level of assistant secretaries, who have come and gone too frequently, most of them, ever to learn their jobs. In these positions, which carry great executive responsibilities without the relative security of the career services or

the political glamor of congressional or Cabinet positions, the need for adequate compensation is especially urgent.

The second general incentive that we have for doing something to improve our Government management comes from the new ways in which Government is related to private institutions, especially private business. A generation or two ago, it was understandable, if not excusable, if the average private citizen thought something like this: What Government does is not productive; the tax dollar is simply taken away from the national wealth; since the main pressure for increasing the size of Government comes from the bureaucrats, it is in the interest of the rest of us to keep down their number, especially those in the higher ranks, as much as possible. Especially, since the more the Government spends, the more we move toward socialism.

PUBLIC AGENCIES AND PRIVATE INSTITUTIONS

But on this set of assumptions, we had better have some second thoughts. A single political incident, a couple of years ago, summed up the new tendencies. A Member of Congress from the Boston area protested publicly when a Federal agency began to offer jobs to his constituents. This was so striking a departure from tradition that it calls for some careful consideration. The Federal agency was the National Aeronautics and Space Administration, which had sent a recruiting agent up to hire scientists and electronic engineers. But our Congressman very realistically saw that the chances of getting NASA to award major contracts to the private corporations in the Boston area depended on those corporations having a good supply of scientists and engineers. Here were the incentives of Government spending and political patronage operating in favor of building up the private corporation, rather than the Government agency.

That one incident was, of course, only a straw in the wind, but there are other signs to show how the wind is blowing. In the most dynamic and fast-growing functions of Government, programs are now being carried out not by the direct operations of Government agencies, but by contracts with (or grants to) private institutions.

This is the pattern that was developed during the war by the Office of Scientific Research and Development, and taken up later by the Air Force, the Atomic Energy Commission, the Office of Naval Research, and the Space Agency. As a result, each of five private corporations spends more than a billion Federal tax dollars per year—or more than any one of five of the executive departments. Indeed, if you leave out the interest on the national debt, all nine executive departments together (other than Defense) spent in 1963 fewer tax dollars than did the hundred private corporations which had the largest net value of military prime contracts. And the sheer quantity of money was less important than the way in which the Government had contracted out to private corporations the planning and technical direction of entire systems, and had even created private corporations to take over such governmental responsibilities.

Lest you think a man from a university is picking on industry, I might add that in 1963 the University of California spent more Federal tax dollars than the Department of Labor; the University of Chicago more than the entire judicial branch; and Johns Hopkins more than the Tennessee Valley Authority. Harvard was in the minor leagues. It was only slightly ahead of the Interstate Commerce Commission as a spender of Federal taxes.[1]

[1] In these illustrations, when I refer to the spending of tax dollars by executive departments, I am, of course, referring to the so-called "administrative budget funds," which do not include trust funds and certain revolving funds.

These are only illustrations of two developments which are changing the traditional relationship of Government to private institutions. The first is that Government expenditures for education and research and development have become a major factor in the increase of technical progress and national productivity. The second is that, in any question involving the political pressures for and against increased Government spending, it no longer makes sense to think of the Government as consisting of empire-building bureaucrats, and private business as being, by contrast, totally committed to economy in Government expenditure.

The most striking political conflicts in recent years over questions of budget controls against expanded expenditures have been in programs where big money was being spent through private institutions or corporations. Witness the way in which for 10 years running the hospitals and medical schools defeated the Secretary of Health, Education, and Welfare and the President by getting the Congress to appropriate more money than the President requested for the National Institutes of Health, or the running fight that the Secretary of Defense has had with aircraft corporations and the Air Force over various proposed weapons systems.

PUBLIC VERSUS PRIVATE INTEREST

So, I think, we have a second general incentive for changing our national attitude toward the public service. We can no longer be satisfied, if we are interested in economic development and technical progress, with the idea that Government expenditure is inherently a handicap to productivity. Nor can we any longer assume that the main political pressure for increased public spending comes from Government officials. Indeed, if we were interested merely in holding down expenditures, we should probably be wise to advocate a very great increase in the authority and status, and the pay, of those administrators who are responsible for controlling the budgets. But the problem is now far more complicated.

The Government administrator is obliged to see the problem in broader terms than the simple dollar volume of his expenditures. He has to consider whether his programs are beneficial to the economy as a whole, and he should consider whether the way in which they are administered—the contractual terms by which private institutions are involved—is designed to protect the public interest. The public interest is a broader consideration than the interests of the private institutions, whether business corporations or universities, that take part in a Government program, but it certainly includes those interests.

Will the great network of Federal contracts by which private institutions are involved in Government programs in the end turn out to encourage their enterprise and protect their freedom, or alternatively swamp them in a mass of routine regulation? That will depend on the imagination and breadth of view of the Government administrator, and on his understanding of the way in which private corporations and universities work. If that is so, our motive for improving the quality of Federal management at its upper levels is a compelling one indeed.

What kind of an administrative service do we then wish to develop, with this consideration in mind, and what types of individual incentives should be provided for that purpose? It seems to me that, while we certainly need considerably more of a career system than we now have, we also need to keep it more closely in touch with, and sympathetic to, the problems of private institutions than we could expect a completely closed personnel system to become. This means that we should keep open the possibility of movement back and forth between private and governmental careers at all levels in the service, so that both business and Government would be staffed by men with some appreciation of the problems of the other.

If we are to bring this about, it will take more than an expression of pious hopes. Given the present relationship between Government and business salaries, the movement of first-rate people is almost inevitably a one-way traffic. We must recognize that it would cost us less per man-year to follow the British example, and to staff our top administrative positions entirely from within a closed career system. In that way, we could put more reliance on esprit de corps and less on pay as an incentive. But the penalty we would pay would be to bring about rather less sympathy and understanding between two types of leaders in our society, and I am not sure that we can afford that cost.

If the discrepancy in pay can be reduced, there will remain two other difficult problems, which I am glad to see mentioned (if not completely solved) in the CIMG report. These are the problems of pension plans and of conflict-of-interest regulations. Unless something can be done to keep pension plans from chaining men to particular companies, we shall have to give up any idea that business can make a contribution to the staffing of the public service. And on the Government side, it is necessary to give up the idea that only by taking a vow of poverty can an executive be trusted to work in the public interest. The steps that have been taken during the past few years to get rid of irritating and useless requirements, while retaining the essential safeguards, have been highly constructive, and their success suggests that this part of the problem can be solved without too much difficulty.

SCIENTISTS AND PROFESSIONALS

The third national incentive for the improvement of our public service comes from the relationship between management and the scientific and professional skills. In the world of private business, management is the top power, much as the term "administrative" in the British Government refers to those officials of general competence whose authority is clearly superior to the specialized professions and techniques. But "management" and "administration" are not words of such prestige and authority in the Government of the United States. Beneath the top political officers, the positions of greatest authority are held in the greatest numbers by men who have been brought into the service on the basis of some scientific or specialized or professional competence and who have risen by the use of those specialized skills. On the job, they learn how to manage their particular bureaus, or parts of them, and they also learn the arts that are even more important in maintaining their power; namely, how to get along with members of the congressional committees that have become almost equally specialized in their interests.

What our system typically lacks is men whose interests have been directed toward the program of the Government as a whole, and whose promotion has come as a result of concern for its broader issues, and of loyalty to its broader interests. This is a much harder type of conflict of interest to reconcile than the conflict between Government and business—the conflict between some view of the interest of the Government as a whole, and the view of one who sees policy only from the standpoint of a particular bureau or a particular congressional committee.

This is not a new problem, but it has been made more difficult, as well as more important, by the new influence of the natural sciences in public affairs. For the scientists and professionals have risen to administrative authority because they had some standards to apply, and some backing from colleagues outside the Government, in com-

petition with mere political patronage. Administrative skills were harder to recognize and to prove, less impressive to Congressmen, and less zealously defended by professional societies. And bureaus and agencies that are headed and staffed by scientific and professional specialists are more difficult to coordinate, and more jealous of the kind of compromise that is necessary in any governmental program, than if they were headed by men with a more general kind of training.

Nevertheless, such a system has its advantages; in an age of nuclear energy and space travel, we shall obviously never go back to the ideal of general administration based exclusively on a so-called liberal education. It is getting too hard, in the universities, to define a liberal education for us to turn back to that formula. But we manifestly need to do something to strengthen the ability of our Government to relate all these special programs into something like a coherent whole. The managerial agencies in the Executive Office of the President can never do the job well enough unless the personnel system provides some incentives in support of their effort. Today, the main rewards go to those who concentrate their interests and attention on the specialized aspects of their particular bureau, and on its ties with its special interest counterpart in private life, and with the corresponding congressional committee.

We went a long way toward solving the equivalent problem within the U.S. Army in 1921, when we abolished the separate promotion lists of the technical services, and set up a unified promotion list for the Army as a whole. We are now beginning to find limited ways, through emphasis on joint staff work, to give officers from the several military services some incentive for considering the problems of the Department of Defense as a whole. We have yet to find the system of incentives that will do the equivalent job for the civil service.

Yet the report presented by the committee for improvement of management in Government suggests two leads toward the eventual solution of this problem.

TWO MAJOR SOLUTIONS

One is to start by giving the President more effective staff help for the purpose. It is clear that some new administrative procedure is needed if the President and Congress are to be given the opportunity to make the various civilian personnel systems, at their higher levels, more compatible, and more productive of executives who can relate their special interests more effectively to national policy. The Civil Service Commission has never been able—it would be more fair perhaps to say has never been given a chance—to do this part of the personnel job. To create a new staff agency with a fresh start on the problem, as the CIMG proposes, will require a degree of continuing public support and congressional sympathy that has never been granted to the Commission for this purpose. This is not a job to be done by the preparation of a single report; a sustained effort at public education will be required to be effective.

A second aspect of the problem is less susceptible to attack by a change in organization, but perhaps more fundamental. If we cannot, in a technological age, establish a corps of top Government managers whose education is of a more general nature, how can we give the specialist who is about to become a manager some broader view of the problems with which he is about to deal, and some knowledge in greater depth of the administrative skills which he will need?

The solution to this problem will come in part through on-the-job training, but it will be helped, I am convinced, by the use of programs of midcareer training, in universities throughout the country, that are designed for the scientist or professional who is ready to be promoted to a position of administrative responsibility. In schools of public administration as in the better business schools, such programs are not devised—or ought not to be devised—to train men in skills that can be learned better on the job, but to give them a broad understanding of the economic and political context within which their own agency must operate, or a better command of the new techniques for dealing with policy issues that managerial experience and the various social sciences have developed. I was delighted to note the support of CED for an extension of these efforts.

The job of the top career official has always been—under the direction of his political superiors—to help make policy as well as to carry it out. It has become clear, I trust, to the CED, as an organization dedicated to the study of public policy, that the soundness and balance and freedom of our society depend on the maintenance of a proper system of incentives not only for private enterprise, but for Government careers as well. Both are—or can be—forms of public service. It used to seem that they were natural enemies, that a dedication to one implied a distaste for the other. But the changes that have been made by science and technology have altered this assumption.

Private institutions not only are obliged to look to a strong Government to protect their freedom in a dangerous world, but they find that new ways can be devised to let them share in the performance of the growing public services that once were considered Government monopolies. Administrators in private and public institutions, indeed, face a common challenge: how to comprehend the complexities of the new science and technology, and guide them toward a common purpose worthy of the loyalties of freemen.

This, it seems to me, is the challenge that justifies the Committee for Economic Development, an organization of businessmen, in devoting its attention to the improvement of management in Government.

THE 20TH ANNIVERSARY OF THE GI BILL OF RIGHTS

Mr. HUMPHREY. Mr. President, this Nation has just observed the 20th anniversary of the Servicemen's Readjustment Assistance Act of 1944—better known as the GI bill of rights. It seems only appropriate to note briefly the extraordinary benefits which have accrued to many millions of Americans through this remarkable program of readjustment assistance to veterans of World War II and the Korean war.

Educational or vocational training have been received by over 10 million veterans under the provisions of the World War II GI bill and its successor, the Korean GI bill. Funds have been provided to encourage enrollment in institutions of higher learning, schools below the college level, and vocational on-the-job and on-the-farm training programs. These assistance programs have been responsible for creating what the Veterans' Administration has called "the best educated group of people in the history of the United States."

More than 6,100,000 home, farm, and business loans totaling over $53 billion had been guaranteed or insured to veterans through June 30, 1962. Primary loans were made for the purchases of 5,293,440 homes. In almost every case, the terms of the loans have been more liberal than would have been otherwise available.

Employment has been stimulated by the programs of the GI bills. On the one hand, the economic potential of veterans has been increased by the educational aspects of the programs. On the other hand, specific industries like homebuilding and mortgage lending have profited. The GI bills have been of inestimable value to the economic welfare of the whole country.

My home State of Minnesota has benefited along with the rest of the country—142,700 Minnesotans entered training under the provisions of the World War II GI bill, and more than 49,800 entered under the Korean bill. Loans totaling $1.3 billion have been guaranteed to 126,049 Minnesota veterans. The veterans of my State are certainly grateful for this assistance.

On this 20th anniversary of the World War II GI bill, we should also consider whether or not we are playing fair with our servicemen fighting the cold war. Men who have entered the Armed Forces since January 31, 1955, are ineligible for any meaningful readjustment aid. Thousands of young men who have been drafted into our Armed Forces since the end of the Korean war have not received any readjustment assistance other than unemployment compensation. The conditions of cold war military service are often as disruptive and dangerous as were those of World War II and the Korean war, yet the readjustment of our cold war veterans remains inadequate.

The distinguished Senator from Texas [Mr. YARBOROUGH] has proposed the Cold War Veterans' Readjustment Assistance Act—S. 5—as a constructive program to resolve this inequity. I am proud to be a cosponsor of this legislation, and I commend the Senator from Texas for his determination and perseverance in bringing this critical problem to the attention of the Congress and the American public. It is my opinion that we must attempt to fashion a program which realistically compensates and assists those American servicemen who have been called to defend their country in these difficult and dangerous years of the cold war.

PERSPECTIVE ON THE NEW YORK CITY RIOTS

Mr. HUMPHREY. Mr. President, during this past week we have awakened each morning to news reports of the riots and disorders which have raged through the streets of Harlem and Brooklyn. Millions of Americans have been distressed to learn of the violence and lawlessness occurring in the Nation's largest city. We know that civil disorder cannot be tolerated in a civilized society.

It is, however, also necessary to recognize that generations of racial prejudice, discrimination, deprivation and injustice have contributed directly to this tragic situation. Riots seldom take place in communities where unemployment is virtually nonexistent, where families live in clean and spacious homes, where the level of education among adults and children is high, and where persons enjoy the opportunity to succeed or fail on the basis of their capabilities and

initiative. We do not find many participants in the good life of midcentury America taking to the street in a spirit of hate, frustration, and vengeance. This is one of life's simple truths which some persons choose conveniently to overlook.

Violence cannot be condoned—even if the causes which contribute to the violence are obvious. This is the terrible dilemma confronting the citizens of New York and Americans everywhere: the curse of second-class citizenship cannot be driven from this land in a day, a month, or a year; yet millions of Negro Americans find it difficult to understand why they should bear this curse one moment longer. They ask themselves and they ask us: "Why must the stigma of my blackness follow me wherever I go? When will I ever be free?" If one injects into this tragic situation the influence of hoodlums and agitators, the problem quickly escalates to the dimensions now existing in New York City. And there is evidence of Communist and hoodlum activity.

As a former mayor of Minneapolis, I can appreciate the great burden which rests with Mayor Robert Wagner to restore order in the streets of New York and also to move as promptly as possible to rectify the economic and social conditions which contribute so directly to this massive unrest. Mayor Wagner recognizes that the people of New York ultimately will have to solve this problem through their own courage, devotion, and good faith. He has moved dramatically to lead the citizens of this great city in their most difficult hour. The entire Nation should be grateful for Mayor Wagner's courageous efforts.

I ask unanimous consent to have an editorial from yesterday's New York Herald Tribune entitled, "Mayor Wagner at His Best," printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MAYOR WAGNER AT HIS BEST

His return to a profoundly troubled city, his actions to dampen its strife and his report to the city's people gave Mayor Wagner one of his finest hours.

While pledging, as he must, the firm enforcement of the law, he moved swiftly and with understanding to assure that all legitimate grievances would be heard. He made clear that the Negroes, in their troubles, are not and will not be neglected. He instituted new procedures designed to reassure the Negro community without undermining the authority, which must be maintained, of the police. And he delivered a measured yet moving appeal, a beacon of calm on the shoals of fear, to all New Yorkers to return the city to reason, to compassion, and to realism. Time will be needed to settle the dust of strife, but Mayor Wagner has pointed the way.

Mr. HUMPHREY. Mr. President, President Johnson must also be commended for his prompt response in this difficult situation. In his statement of July 22, the President noted that law enforcement is the prime responsibility of the Governor, State, and local officials. This is certainly lesson No. 1 for all persons desirous of maintaining the constitutional system which has protected the American people from tyranny and dictatorship for almost 200 years.

At the same time, the President has directed the Federal Bureau of Investigation to examine the possibility of violation of Federal laws in connection with the New York City disturbances. This is the only appropriate action which the President could order at the present time.

I ask unanimous consent to have President Johnson's statement on the New York riots and an editorial published in the New York Times of July 22, 1964, commending the President on this statement printed in the RECORD.

There being no objection, the statement and editorial were ordered to be printed in the RECORD, as follows:

A CIVILIZED COMMUNITY

President Johnson spoke for the entire Nation yesterday when he declared that violence and lawlessness cannot, must not, and will not be tolerated. His response of shock and distress at the Harlem riots is shared by the residents of this city; and his pledge of Federal aid to help correct the evil social conditions that underlie the disorders is welcome.

If the entrance of the Federal Bureau of Investigation can throw additional light on the background and underlying causes of the tragedy in Harlem, so much the better. Whether in New York or Mississippi, the FBI's investigative talents can doubtless be of help in efforts to cope with the explosive disturbances revolving around civil rights.

Meanwhile the heavy responsibility resting upon New York City and its people to bring peace to the troubled section of this metropolis is not lessened. We share the President's faith that the overwhelming majority of Americans reject violence and believe in the preservation of law and order. Mayor Wagner must take the lead in finding the way to reestablish New York as a civilized community.

JOHNSON'S TEXT ON RIOTS

For the past 3 days, the Nation has been shocked by reports of rioting and disorder in the streets of our largest and one of our proudest cities.

The immediate overriding issue in New York City is the preservation of law and order and the right of our citizens to respect for their property and to be safe in their person as they walk or drive through the streets.

In the preservation of law and order there can be no compromise—just as there can be no compromise in securing equal and exact justice for all Americans.

I have called the acting mayor of New York City. I have told him of my willingness to cooperate in every way possible to help him in this time of agony.

Law enforcement is basically the responsibility of the Governor, State, and local officials. The acting mayor informed me that he is aware of all his responsibilities and is determined to discharge them, including the full application of impartial justice.

It must be made clear once and for all that violence and lawlessness can not, must not, and will not be tolerated.

In this determination, New York officials shall have all the help that we can give them. And this includes help in correcting the evil social conditions that breed despair and disorder.

American citizens have a right to protection of life and limb—whether driving along a highway in Georgia; a road in Mississippi; or a street in New York City.

I believe that the overwhelming majority of Americans will join in preserving law and order and reject resolutely those who espouse violence no matter what the cause. Evil acts of the past are never rectified by evil acts of the present. We must put aside the quarrels and the hatreds of bygone days; resolutely reject bigotry and vengeance; and proceed to work together toward our national goals.

I have directed Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, to contact Commissioner Michael J. Murphy and the Governor of New York to inform them that we are conducting a complete investigation of the possibility of violation of Federal laws in connection with the recent disturbance and offering them our complete cooperation.

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to one vitally important sentence in President Johnson's statement:

In the preservation of law and order there can be no compromise—just as there can be no compromise in securing equal and exact justice for all Americans.

The President is making the critical point we must bear in mind: there is a dual responsibility we assume in dealing with these racial crises. It is not sufficient to demand the restoration of law and order without recognizing simultaneously the need to deal with the complex web of social and economic factors which have contributed so directly to the breakdown of law and order. It is not sufficient to voice outrage about the problem of street crime and racial violence without demonstrating any interest in taking those specific, constructive steps which will help eliminate the conditions which breed crime and violence.

Such one-sided behavior only demonstrates the profoundest misunderstanding of the social and economic forces at work in this country.

In his remarkable address of July 22 to the people of New York, Mayor Wagner made this statement:

I have directed Mr. Screvane and the poverty operations board and the poverty council to step up these programs which will involve and engage the unemployed young people of our city in constructive counseling, training, and work. Some of these programs, of course, depend upon Federal funds, which have not yet been made available. Our idle young people must be given work and purpose. There is no substitute for this.

Yesterday, the Senate had the opportunity to respond to Mayor Wagner's plea for assistance in giving the idle and unemployed youth of New York an alternative to street crime and violence. We had the chance to do something of a constructive nature about the street violence and disorder which we all properly deplore. As an American, I can only express my profoundest regret that some Members of this body chose not to extend such help in this time of crisis.

But I can, of course, express my deep satisfaction that almost twice as many Senators said "Yes" to Mayor Wagner's plea for help than said "No." The vote approving President Johnson's antipoverty program illustrated why we are eventually going to solve the problems of Harlem, Bedford-Stuyvesant, Chicago, Detroit, Mississippi, Minnesota, and wherever else in this great land difficulties arise. I suggest to the American people that yesterday's vote on the antipoverty legislation—coming as it did in the midst of the New York riots—singled

out the party willing to settle for words and denunciations and the party determined to initiate responsible programs of action. The comparison is sharp and clear. There is no ambiguity on this issue.

One final thought: The Washington Post of July 22, 1964, published a brief editorial entitled, "Philosophy in Action." This editorial quoted one of the leaders of the Harlem black nationalist cults as saying:

There is no violence that can be called extreme when its for freedom.

There is, of course, a familiar ring to this sentence. It is essentially the philosophy of those French revolutionaries who carted their fellow citizens to the guillotine, or the Bolsheviks who slaughtered hundreds of thousands of their countrymen during the Russian revolution, or the Castroites who mowed down Cuban patriots by the tens of thousands.

The history of other nations makes familiar this claim to absolute truth. Our memories recall the hollow justifications for unspeakable violence in defense of such absolute truths. What is not familiar, however, is hearing such statements in this country. What is not familiar is witnessing such philosophy in action as we have witnessed in New York City this past week.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial published in the Washington Post, entitled "Philosophy in Action"; an outstanding column written by Walter Lippman entitled, "Harlem and the Cow Palace," which was published in the Washington Post of July 23; an editorial published in the New York Times of July 23 entitled, "The Root of the Trouble"; and the full text of Mayor Robert Wagner's address to the people of New York City on the racial crisis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 22, 1964]

PHILOSOPHY IN ACTION

Senator GOLDWATER's memorable speech of last week seems to have found a large and responsive audience. "I would remind you," the Senator told the Republican Convention, "that extremism in the defense of liberty is no vice." The echoes are already very audible.

In Harlem, amidst the debris of 3 nights' rioting, Lewis H. Michaux explained to a white reporter the meaning of the ghetto, and of the outburst. Mr. Michaux, the founder and president of the African National Council in America, Inc., said: "This shows that in America, after 350 years, we can't become citizens. The black nationalists are telling people now that they have a right to protect themselves against the police.

"There is no violence," he added, "that can be called extreme when it's for freedom."

[From the Washington Post, July 23, 1964]

HARLEM AND THE COW PALACE

(By Walter Lippmann)

Anyone trying to look at the Harlem riots in the light of official ideology adopted in the Cow Palace is bound, it seems to me, to quote Grover Cleveland: "We are dealing, not with a theory, but with a condition."

There is no meaningful relationship between the Harlem facts and the Cow Palace theories. The rioting did not break out because the Goldwater platform is not sympathetic with the grievances of the Negroes. The rioting did not break out because a coalition of Republicans and Democrats have enacted the civil rights bill. The rioting did not break out because the budget is unbalanced, or because the Federal Government has an enormously large bureaucracy, or because the Federal Government has usurped the powers of the States.

As a police problem, which it is in the first instance, the Harlem disorders are the responsibility of the New York City government and its police force. If they cannot cope with the disorder, they can call for help upon the Governor of New York and on the Federal Government. But Federal and State intervention are bound to remain secondary. The main responsibility is and will always remain, that of the mayor of New York. We must suppose, therefore, that when Senator GOLDWATER inveighs against crime and declares that the streets must be made safer for law-abiding citizens, he is not suggesting that we establish in this country a national police force commanded by the President. For of all imaginable kinds of centralized power and potential threats to local and individual freedom, a national police force would be the most blatant.

If he were President, Senator GOLDWATER could do no more than President Johnson is doing, which is to assist the mayor of New York City in his efforts to restore law and order.

When we look beneath the immediate need, which is to stop the rioting, we are confronted most vividly with a condition—a condition of racial conflict—with which the Cow Palace ideology does not come to grips. The condition is that so many of the grievances which more and more Negroes find unendurable are not redressed by the Civil Rights Act itself, and can be redressed only so slowly that the leadership of the moderate Negroes is threatened by the Negro extremists. The moderates are being told that in the face of injustice "moderation is no virtue."

These unredressed grievances have to do with housing, jobs, and schools. They will continue to be for a long time inferior to the standards of white people. The white backlash is at those points of friction where better housing, better jobs, and better schools for Negroes threaten to encroach on the somewhat better, but not much better, housing, jobs, and schools of the poorer whites.

Senator GOLDWATER has shown a commendable distaste for identifying himself with the white backlash. But the ideology of the Cow Palace would do nothing to allay and much to aggravate the racial conflict between the grievances of the Negroes and the grievances of the whites. For the fact remains that the protest of the whites is against the redress of the grievances of the Negroes.

For one thing, the platform is tailored to attract the votes of the white supremacists, and the immediate withdrawal of Governor Wallace from the presidential race is proof that the platform was accurately tailored. The whole weight of the platform is to throw the onus of racial disorder on the Negroes, and at the same time to do nothing, indeed to obstruct doing anything much, to redress the grievances of the Negroes.

For the indisputable truth of the matter is that in general throughout the country, it would be impossible to provide better houses, better schools, and better jobs through the State and local governments alone. Without substantial increases of Federal aid to the State and localities, without an effective fiscal policy which increases employment, neither the mayor of New York nor the mayor of Phoenix can alone deal with the causes of crime and disorder.

If we look at the facts and not at the theories, we must see, I think, that the truth is more comprehensive than the theories. Neither the elephant nor the donkey can walk far on his two right legs alone. The truth is that to deal with a great condition like the racial movement, it is necessary to act at all the levels of government from the precinct to the Federal Republic. Not only is it necessary to act at all levels, it is also necessary to act more energetically at all levels.

The condition which confronts us involves the happiness of millions and the tranquillity and security of all. Dealing with it is a public responsibility from which no citizen can exempt himself.

[From the New York Times, July 23, 1964]

THE ROOT OF THE TROUBLE

Charges that Communists and other radical fringe groups have helped incite the Harlem riots are now supported by high city officials. These charges should be fully and carefully investigated; and presumably this is one of the reasons why the FBI has been called in. It would not be in the least surprising if many left-wing groups, including local Communists, had endeavored to spread the disorders, to exacerbate the rioting, to incite to violence. All this would be quite in keeping with Communist philosophy, especially among the Stalinist-Chinese activists of today.

But to attribute the disturbances solely or even principally to the machinations of a handful of left-wing extremists would be a grave error. It would be gross over-simplification of a dreadfully complex problem. There are many aspects to this problem—historical, sociological, economic, emotional; and a great many people have contributed to it by acts of commission or omission throughout the decade.

The most immediate aspect is the widespread distrust in which the police department is held by a large part of the Negro community. We share Mayor Wagner's faith in Police Commissioner Murphy and in the overwhelming majority of men and women who make up the police department. But the aura of hatred for them that prevails in some sections of this city must be dispelled if they are to do their duty properly. And it is a matter of the utmost urgency that any misfits or brutalitarians that may persist within the force be weeded out.

In his broadcast last night Mayor Wagner took some steps to allay the resentment of the Negro community against the police but gave no ground to the widespread demand for a civilian review board to hear cases of alleged brutality. We repeat our previously expressed view that the addition of outside civilians to the department's present review board is highly desirable.

The deepest reason for the rioting is, of course, the horrible ghetto condition that prevails in Harlem and the Bedford-Stuyvesant area—the stinking tenements, the lack of good schools, the inadequate recreational facilities, the shortage of job opportunities—that condemn thousands of human beings to life on a near-animal level. The Negro sections of this city are emotionally sick today, and with good reason. They need compassion and understanding help in this crisis, for which every one of us is responsible.

[From the New York Times, July 23, 1964]

TEXT OF MAYOR WAGNER'S ADDRESS ON NEW YORK CITY RACIAL CRISIS

Good evening, my fellow New Yorkers:

Last Thursday evening I took off from Kennedy Airport expecting to be away about 10 days mostly in Geneva, Switzerland, attending a world conference on automation and unemployment sponsored by the International Labor Office to make an address there on poverty and unemployment as related to discrimination and civil rights.

During my absence I was, as I always am, when out of the city, in constant touch with

city hall and specifically with Acting Mayor Paul Screvane.

On the basis of the reports I received from Mr. Screvane I cut short my trip and came home, arriving at Kennedy Airport exactly 106 hours after I had left.

As most of you already know, last night, as soon as I had been thoroughly briefed including the views of the many groups and individuals from the Harlem community who had been in touch with my colleagues in the city government, I, myself, made a tour—an inspection—of the affected districts of Harlem.

I went carefully up and down Lenox Avenue and 7th and 8th Avenues, as far north as 135th Street and as far south as 110th Street. And I was accompanied by Commissioner Michael Murphy, who is here with me in the studio tonight.

WHAT HE SAW

I saw the boarded up windows. I saw the crowds, the itinerant gangs, residents on their stoops and looking fearfully out of their windows.

I saw some of the debris of battle, although most of it, I was told, had been cleaned up by our sanitation department.

I saw long stretches of blocks in Harlem, the residential streets which had been in no way involved in the incidents. I was told that there were many such quiet streets in Harlem.

I am convinced that the overwhelming majority of those who live in the Harlem community neither participated in nor appreciated the violence and disorder. It is their persons and their property, along with all other persons and property, that the police are under legal mandate and obligation to protect with all the force that is necessary and justified.

The mandate to maintain law and order is absolute, unconditional, and unqualified. It is the primary obligation of local government under constitutional and statutory law.

In fact, of all of the groups in America, Negroes have the most to gain from law and order. The Supreme Court decision of 1954 is law and order. Where civil rights—where would civil rights be without that decision? Without that law and order?

The civil rights bill just passed in Congress and signed by President Johnson is law and order. The New York City law outlawing discrimination in housing, passed under my administration, is law and order.

Without law and order Negro and civil rights progress would be set back half a century.

THE NEGROES' BEST FRIEND

Law and order are the Negroes' best friend. Make no mistake about that. The opposite of law and order is mob rule, and that is the way of the Ku Klux Klan and the night riders and the lynch mobs.

Let me also state in very plain language that illegal acts, including defiance of or attacks upon the police whose mission it is to enforce law and order, will not be condoned or tolerated by me at any time.

Outrages against persons or property or police by individuals or groups of hoodlums, rowdies, troublemakers bent on destruction, theft or incitement to riot, drawn as they have been from all parts of the city, will be brought to a halt, and the guilty will be punished to the full extent of the law.

Now, I want to address remarks directly to the people of Harlem, Bedford-Stuyvesant, South Jamaica, East Harlem and all of the other areas of our city marked by congestion, unemployment, slum housing and other adverse social conditions.

Last night when I was in Harlem, as I have been on so many other occasions, and looked into the faces of the people, I saw the fellow-citizens whom I knew, whose cause and interests I have always sought to advance and who have, in their turn, reposed some confidence in me.

I saw some others, too, the tough young ones without a stake in the past or much hope in the future, irresponsible and ready for violence because their spirits are rebellious and full of resentment and hate.

I saw some of these young tough ones wearing crash helmets and carrying walkie-talkies. They have been, and are, the loose gunpowder of our day.

I CAN UNDERSTAND

I can understand that degradation and the tragic waste of human lives in all of these deprived areas of our city.

I know, too, of the prejudices and feelings of some of our white citizens, some conscious, some unconscious.

I am well aware, too, of the dangerous road of thought which leads to the perilous concept of inevitable conflict between black and white.

I say to you, my fellow citizens in all the affected areas of our city, that I think I am aware of most of your needs and problems in regard to housing and jobs and discrimination and the education of your children; in regard to the training and retraining of the unskilled; in regard to the sick and to the handicapped and the wayward, too.

We must go all out to remedy injustice, to reduce inequality, and to remove all conditions and practices which are a source of resentment and recrimination among these fellow citizens of ours.

We are no richer than our poorest citizen, no stronger than the weakest among us.

Having said this, I must now address myself to the rest of our citizens.

We all want safety on the street, and we shall have it to the maximum extent that it is possible; to the full extent that police and other security measures can assure it.

It must be borne in mind that increased crime, including violent crime, is today not only a nationwide, but a worldwide characteristic.

Deep troubles in our entire world society underlie this phenomena.

All of us must work together to do what we can to resolve these problems as far as they affect New York City and the United States.

This will take sacrifice. It will take the overcoming of prejudice and the recognition of the equality of others. It will take a strengthened attitude of respect for the principles of justice and equality, along with strict enforcement of the law and maximum security measures to improve the conditions of safety on the streets.

TO OUTSIDE CITY

And now I want to address myself to people outside of our city. We have had some troubles in New York City in recent days, and there has been sensationalized reports of crime in our city.

It is a fact that some people hearing about these reports of riots have canceled many hotel reservations and plans to visit New York. And yet it is also a fact that to this date there is a perfect record. As far as the commissioner of police knows, no single visitor to our city, including the 150,000 Shriners who are here today, have been physically attacked or brutalized in any way.

Within the last 3 months, 4½ million visitors have come here, and not one case of major physical assault against a visitor has been recorded.

Our city depends upon its visitors for a part of our income and for our jobs and for the general level of economic activity.

And I say to all our citizens that we must repair the repute of our city by all of the measures that are necessary.

I've been speaking of basic factors and have not yet addressed myself to the spark which ignited the conflagrations which are still breaking out in various parts of our city.

It was, of course, the case of the 15-year-old youth, James Powell, who was shot and killed by Police Lt. Thomas Gilligan. This most regrettable event triggered the tragic violence.

THE CONDUCT OF THE POLICE

It raised questions about the responsibility and behavior of individual members of the police force. It also brought into focus the conduct of the police as a whole and the general question of the relationship between the police and the public and the civilian authority.

Let me start off by stating two firm convictions I have:

No. 1, complete confidence in Police Commissioner Michael Murphy, and,

No. 2, the ultimate authority and responsibility for the police force rests in civilian hands—the mayor, himself.

The police have their rules and regulations, discipline, training, and orders which, collectively, are the best of any police force in the world.

Yet, in times of stress and danger, some policemen, too, sometimes act as the individuals they are. Some of them sometimes do things which do not correspond precisely to training or doctrine.

Instead, their actions under stress can reflect the prejudices which they always had and have retained despite the best training and indoctrination.

Where there is evidence of such actions, disciplinary action must be taken. There is, within the police department, a civil review board composed of deputy commissioners of the department.

There have been instituted by my authority an arrangement whereby a careful review will be made in my office by Deputy Mayor Edward Cavanaugh of every case in which charges involving alleged police brutality are brought, before the police board, and he will personally report to me on these cases.

Deputy Mayor Cavanaugh has also been assigned to review the procedures of the police review board and to report on these procedures to me to see if changes should be made.

I am now prepared to make a further addition to the mission entrusted to Deputy Mayor Cavanaugh.

I am hereby directing him to receive and to refer to the police review board all substantial complaints of alleged police brutality which are made to my office even through Box 100.

I pledge to you that all such cases of complaints will be acted upon promptly.

This entire arrangement, however, may be temporary, because the city council is now studying the operation of civilian review boards in other cities.

On Monday, with my authority, Acting Mayor Crevane announced a number of measures to be taken both by the police department and the city government to improve relations with the minority communities.

He proposed, for instance, to station more Negro policemen in Harlem and to institute on the part of the city government a program to recruit and provide pretraining for more qualified young men and women belonging to the minority groups, for the police force and to help prepare them for the entrance examinations.

GRAND JURY HAS CASE

With regard to the specific case of Lieutenant Gilligan, the fact is that District Attorney Hogan is now presenting the case to the grand jury. That jury will decide whether reasonable grounds can be established for a criminal prosecution.

Lieutenant Gilligan is now on sick leave and therefore not on duty. We must await the decision and action of the grand jury according to proper legal procedure.

Now I want to emphasize that, in taking any of the steps we are taking, we are not bowing or surrendering to pressure. We will not be browbeaten by prophets of despair, or by peddlers of hate, or by those who thrive on continued frustration.

We will take resolute action unless this city is to be turned into a garrison occupied by military forces in sufficient numbers to man every block and project and tenement house.

This will not—we will not come to that. The situation must be met with a wide range of assortment of steps such as those we have determined upon after intensive prolonged and prayerful consideration.

My office has been in constant touch with the White House throughout these past days. This morning President Johnson called me and spoke to me at some length. He assured me and authorized me to state that the measures he had directed were designed solely to assist, support, and supplement what we are already doing in the way of meeting the threats to law and order.

President Johnson had instructed Mr. J. Edgar Hoover to make contact with both Police Commissioner Murphy and myself. He has been in touch with both of us and has supplied Commissioner Murphy with certain information which is of greatest interest and use to us.

And I wish at this point to express my appreciation and the appreciation of all right-minded citizens of New York to President Johnson and to Mr. J. Edgar Hoover and to the Federal Government for both the actions that have been taken and the understanding attitudes that they have shown.

SUMMARY OF ACTION

Now let me summarize as best I can the actions I have taken and the orders I have given since my return.

1. I have proclaimed and directed that all security measures which can and must be taken to insure peace and order in the affected areas and throughout the city shall be taken promptly and effectively.

2. I have directed that the perpetrators of violence against the persons or property of the innocent, or of the police, shall be promptly apprehended and handed over to the courts of justice as provided by law.

3. I have directed that the security forces of Commissioner Murphy go full speed ahead with the recruitment and pretraining of minority members for the police services.

4. I have instructed Commissioner Murphy to insure that police actions against persons beyond the requirements of duty and performance shall be guarded against and, where occurring, punished.

5. I shall exercise my prerogative to review and consider cases of alleged brutality on the basis of the procedure and review machinery presently established within the police department, and have assigned Deputy Mayor Edward Cavanagh to this function.

I have broadened his function to include the receipt, reference, and review of all substantial police brutality complaints that come to my office.

I refer to new cases. It would be totally impractical and impossible to take up any cases which have been disposed of.

6. I have been assured by Commissioner Murphy that he will double his efforts to establish closer liaison with the minority communities, and will meet with leadership elements of these communities in their communities.

7. I. myself, will continue to spend much time in the minority communities talking with people and meeting with representative groups with regard to their problems.

I will continue to encourage the heads of my departments who deal with the problems of the peoples of their areas to do likewise. I have specifically asked Paul Screvane as poverty operations coordinator and head of the poverty operations board to so dispose himself.

8. Finally I have directed Mr. Screvane and the poverty operations board and the poverty council to step up these programs which will involve and engage the unemployed young people of our city in constructive counseling, training, and work.

Some of these programs, of course, depend upon Federal funds, which have not yet been made available. Our idle young people must be given work and purpose. There is no alternative or substitute for this.

9. I have strongly affirmed and pledged my cooperation of Police Commissioner Murphy with President Johnson and Mr. Hoover and the FBI in all matters concerned with law, order, justice, and rights in New York City.

THE FIRST STEPS

These, my fellow citizens, are the directions and directives I have given. These are first steps. There will be others on the basis of need and experience.

In the last analysis, law, order and progress are up to the people themselves. They must want it with all their hearts, or they will not truly have it. They must respect it with all of their souls, or it will be taken from them, just as liberty and individual rights must be desired and respected.

I cannot possibly exaggerate what is at stake here for the minority communities, for the public at large, for the city as a whole, for the cause of justice and human rights and for the sake of our country in the eyes of the world.

The Nation and the world have their eyes on New York. The racists in the South and North certainly do. Minority groups everywhere do. Africa and Asia do.

Indeed, all the world is watching us. We carry the deepest responsibility in these hours and days of our troubles.

This situation will not yield to force on the part of government. At the same time I am aware that order surely cannot be restored by surrender to unreasonable demands on the part of protestors.

Hoodlumism must be brought under full control, yet the proper complaints of reasonable people must be heeded and acted upon.

The human rights of every individual must be zealously safeguarded. Every action we are taking is to do the fair, the reasonable, the right thing.

GIVE ME YOUR HAND

Having defined these goals, and purposes, what more can I, your mayor, say except to turn to each one of you in your homes, on the streets, in your meeting places, in the restaurants and bars where you may be listening to appeal to each one of you to give me your hand and help in this critical situation.

Let us turn anger into reason. Let us turn despair into hope. By moving in the right direction we move toward a high new ground of order and safety and progress and justice and brotherhood.

By moving in the wrong direction we steer straight into the pit of chaos. At such a point we need not only the help of each and every citizen but the inspiration and guidance of He who is the father of us all. I look to Him for help and guidance in this situation.

I trust that each of you, who feels as I do will do likewise.

Thank you.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

ADDITIONAL REPORTS OF COMMITTEES

The following additional reports of committees were submitted:

By Mr. MONRONEY, from the Committee on Appropriations, with amendments:

H.R. 10723. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes (Rept. No. 1239).

By Mr. BYRD of Virginia, from the Committee on Finance, with amendments:

H.R. 10467. An act to continue for a temporary period certain existing rules relating to the deductibility of accrued vacation pay (Rept. No. 1240).

ADDITIONAL BILLS INTRODUCED

The following additional bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as indicated:

By Mr. HUMPHREY:

S. 3031. A bill for the relief of Arnold Maynard Carlson; to the Committee on the Judiciary.

By Mr. HART:

S. 3032. A bill to amend the Internal Revenue Code of 1954 to allow an exemption for a dependent who has attained age 65 without regard to the amount of income of such dependent; to the Committee on Finance.

(See the remarks of Mr. HART when he introduced the above bill, which appear under a separate heading.)

EXEMPTION FROM INCOME TAX FOR CERTAIN DEPENDENTS

Mr. HART. Mr. President, I introduce a bill, ask that it be appropriately referred, and that it be printed in full at this point.

The PRESIDING OFFICER. Without objection, the bill will be received and appropriately referred and will be printed in full.

Mr. HART. I should like to make clear that I have no illusions about this bill moving in this session of Congress. I have introduced it in the belief that it may bring to the Congress next year at a much earlier date a department report on the bill. It seeks to respond to a very difficult problem, which is a burden borne by a number of people in this country; namely, in the case of a child who assists in the support of a parent and that parent earns more than $600 a year; and under these circumstances,

very burdensome medical expenses which the child may pay which have been incurred by the parent with only limited deductibility and because of the income of the parent exceeding $600 a year, it is impossible for the parent to be claimed as a dependent by the child.

I would hope that the department would be able to have a report for the Congress early next year on this bill.

The bill (S. 3032) to amend the Internal Revenue Code of 1954 to allow an exemption for a dependent who has attained age 65 without regard to the amount of income of such dependent, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) Section 151(e)(1) of the Internal Revenue Code of 1954 (relating to exemption for dependents) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", or"; and

(3) by adding after subparagraph (B) the following new subparagraph:

"(C) who has attained the age of 65 at the close of the calendar year in which the taxable year of the taxpayer begins."

(b) Section 151 of the Internal Revenue Code of 1954 is amended by inserting at the end thereof a new subsection as follows:

"(f) LIMITATIONS OF EXEMPTIONS.—The exemptions provided for in subsections (b), (c), and (d) shall not be allowed to any taxpayer who is claimed as a dependent of another taxpayer, by reason of subsection (e)(1)(C)."

SEC. 2. The amendments made by this Act shall apply to taxable years beginning after December 31, 1960.

NOTICES OF MOTIONS TO SUSPEND THE RULE—AMENDMENTS TO LEGISLATIVE BRANCH APPROPRIATION BILL (AMENDMENTS NOS. 1139, 1140, AND 1141)

Mr. MONRONEY submitted the following notice in writing:

NOTICE OF INTENTION TO SUSPEND THE RULES BY MR. MONRONEY

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, the following amendment; namely on page 16, after line 2, insert the following:

JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES

For an amount to enable the Joint Committee on Reduction of Nonessential Federal Expenditures to carry out the duties imposed upon it by section 601 of the Revenue Act of 1941 (55 Stat. 726), to remain available during the existence of the Committee, $29,750, to be disbursed by the Secretary of the Senate.

Mr. MONRONEY also submitted an amendment (No. 1139), intended to be proposed by him, to H.R. 10723, making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MONRONEY also submitted the following notice in writing:

NOTICE OF INTENTION TO SUSPEND THE RULES BY MR. MONRONEY

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, the following amendment; namely, on page 16, after line 11, insert the following:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $235,000.

Mr. MONRONEY also submitted an amendment (No. 1140), intended to be proposed by him, to House bill 10723, making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

Mr. MONRONEY also submitted the following notice in writing:

NOTICE OF INTENTION TO SUSPEND THE RULES BY MR. MONRONEY

In accordance with rule XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 10723) making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, the following amendment; namely, on page 36, after line 2, insert the following:

"SEC. 105. Commencing with the quarterly period beginning on July 1, 1964, and ending on September 30, 1964, and for each quarterly period thereafter, the Secretary of the Senate and the Clerk of the House of Representatives shall compile, and, not later than sixty days following the close of the quarterly period, submit to the Senate and House of Representatives, respectively, and make available to the public, in lieu of the reports and information required by sections 60 to 63, inclusive, of the Revised Statutes, as amended (2 U.S.C. 102, 103, 104), and S. Res. 139, Eighty-sixth Congress, a report containing a detailed statement, by items, of the manner in which appropriations and other funds available for disbursement by the Secretary of the Senate or the Clerk of the House of Representatives, as the case may be, have been expended during the quarterly period covered by the report, including (1) the name of every person to whom any part of such appropriation has been paid, (2) if for anything furnished, the quantity and price thereof, (3) if for services rendered, the nature of the services, the time employed, and the name, title, and specific amount paid to each person, and (4) a complete statement of all amounts appropriated, received, or expended, and any unexpended balances. Such reports shall include the information contained in statements of accountability and supporting vouchers submitted to the General Accounting Office pursuant to the provisions of section 117(a) of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 67(a)). Reports required to be submitted to the Senate and the House of Representatives under this section shall be printed as Senate and House documents, respectively.

"Section 117 of the Accounting and Auditing Act of 1950 (64 Stat. 837, 31 U.S.C. 67) is amended as follows:

"By adding after the words 'executive agency' in both places where it is used in subsection (b) the words 'or the Architect of the Capitol' and by adding after the word 'legislative' in the proviso the words '(other than the Architect of the Capitol)'."

By adding at the end thereof the following new subsection:

"'(c) The Comptroller General in auditing the financial transactions of the Architect of the Capitol shall make such audits at such times as he may deem appropriate. For the purpose of conducting such audits, the provisions of section 313 of the Budget and Accounting Act (42 Stat. 26; 31 U.S.C. 54) shall be applicable to the Architect of the Capitol. The Comptroller General shall report to the President of the Senate and to the Speaker of the House of Representatives the results of each such audit. All such reports shall be printed as Senate documents.'"

Mr. MONRONEY also submitted an amendment (No. 1141), intended to be proposed by him, to H.R. 10723, making appropriations for the legislative branch for the fiscal year ending June 30, 1965, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

INDUSTRIAL USE OF WHEAT PRODUCTS—ADDITIONAL COSPONSOR OF BILL

Mr. HART. Mr. President, yesterday I introduced S. 3024, a bill to encourage industrial use of wheat products. Inadvertently the name of the cosponsor of this proposed legislation was not placed on the bill when it was filed.

I ask unanimous consent that the junior Senator from Delaware [Mr. BOGGS] be added as a sponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCLOSURE OF FINANCIAL INTEREST AND ENUMERATION OF CERTAIN PROHIBITED ACTIVITIES

The Senate resumed consideration of Senate Resolution 337, disclosure of financial interest and enumeration of certain prohibited activities.

ADJOURNMENT UNTIL MONDAY

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate, I move that, pursuant to the order previously entered, the Senate adjourn until Monday at noon.

The motion was agreed to; and (at 6 o'clock and 8 minutes p.m.) the Senate adjourned, under the order previously entered, until Monday, July 27, 1964, at 12 o'clock meridian.